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HISTORICAL GENEALOGY

OF THE FAMILY OF

BAYNE OF NIDDERDALE

Showing also how BAYEUX became BAYNES.

Vol. I

BY JOSEPH LUCAS, P.A.S.I.,

AUTHOR OF *STUDIES IN NIDDERDALE.*

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HISTORICAL GENEALOGY

OF THE FAMILY OF

BAYNE OF NIDDERDALE

Extracted from the History of the County of York, by Thomas Hearne, Esq.

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Vol. 1

BY JOSEPH LUCAS, F.R.S.

AUTHOR OF STUDIES IN ANTIQUITY

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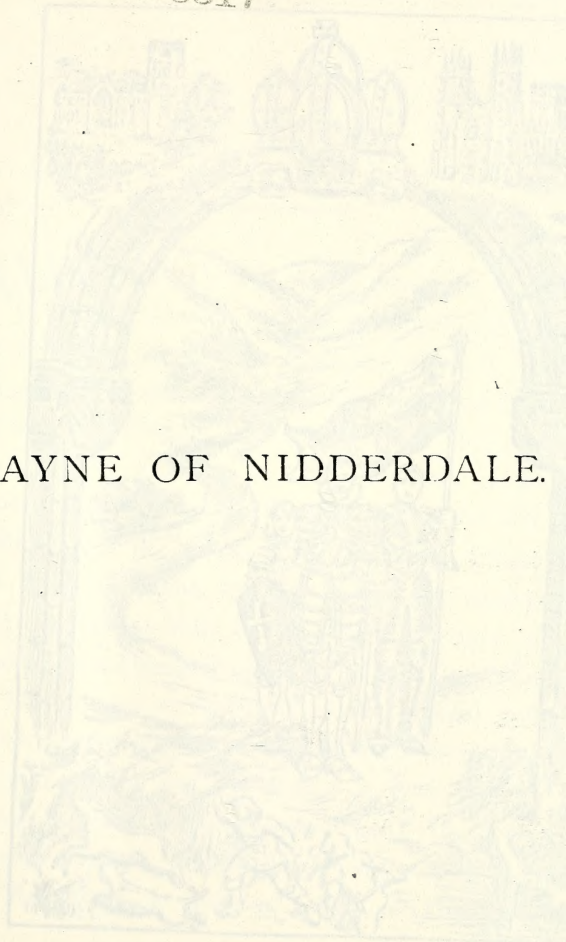
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BAYNE OF NIDDERDALE.



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BAYNE OF NIDDERDALE



PREFACE.

WHEN the History of the family of Bayne of Nidderdale was commenced it was not deemed that any Preface would be necessary. In the course of the work, however, occasions have arisen for inflicting such an overture upon the reader. For instance, up to his discovery of the second seal of Hugo de Bayeux bearing the well-known cross of bones, which has long formed the Arms of Bayne, Baynes, Baines, the Author had the firmest faith in the alleged tradition of descent from Donald Bane, King of Scotland. On p. 63 this seal is described as the original and parent source of all the coats of arms formed of the cross-bones, and the Editor is now able to prove the truth of this position. 45, f. 18, of the *Harley Charters*, at the Brit. Mus., is addressed by Radulphus de Bayeux, father of Hugh, to



Alexander, who was Bishop of Lincoln 1123-1147, and is as follows :

Alexandro dei gracia venerabili patri suo lincoliensis episcopo et universis s[an]c[t]a[e] d[omi]ni ecclesie prelatiis cunctisque fidelibus christianis clericis et laicis frac[n]cis et anglicis RADULFUS de BAIWES et Margareta sponsa ejus et hugo heres eorum atque Willielmus frater ejus Salutem. Notum Vobis sit nos libere ac perpetualiter in eleemosinas pro animabus nostris et pro animabus antecessorum nostrorum dedisse et concessisse ecclesie Sancti Marciali de Neuahus et testimonio cartule hujus confirmasse unam bovetam terre solam et quietam de dominio nostro in *catborna* quā[m] dni. ibi ordo premonstratensis ecclesie teneatur. coram hiis testibus Torold presbitero, hugo capellano, petro de Golsa, osberno presbitero, Waltero filio ejus, hig. capellano, roberto presbitero, Suano, odone, Aeilardo, Rogero de punchardun, Berardo, Ivo calciato, Roberto de Scures, Galtero filio Siffrid.

Appended to this Charter (by which Ralph de Bayeux, Margaret his wife, and their sons Hugh and William, grant in perpetual alms to the Church of St. Martial of *Newhus*, one bovate or oxgang of land in *Catborne*), is a Seal of which the second Seal of Hugo de Bayeux is a copy, except that the crossbones found on the latter replace the *crux patens* on the present seal, and the Legend.

The Legend round the present seal is :—

AGN: SOLETUR MESTOS CEDO. 'That the Lamb may console me I give while I am filled with the good things of this Earth.' This seal forms Fig. 1 of Pl. 1, and furnishes, when compared with the similar seal of Hugo de Bayeux, complete proof that the cross of bones was first used as a device by Hugo de Bayeux.

Of course this destroys for ever the Donald Bane myth, and for the proof of the identity of the name Bayeux and Baynes the reader is referred to Chap. VII., § 2, pp. 63 to 87.

This work has been partly drawn from Parish Registers, the more local ones being *Pateley Bridge, Middlesmoor, Ripley*, in *Nidderdale*, *Feliskirk, Kilburn*, and numerous others; and for the Second Volume, *Masham, Kirkby Malzeard, Ripon*, and *Aldfield*. Therefore, it may not be amiss to say a word about *Parish Registers*.

Sir Robt. Phillimore (*Eccl. Law*, p. 649. 2 Vols. London, 1873, 8vo,) says:—"The keeping of a church book for the age of those that should be born and christened in the parish began in the 30th year of King Henry VIII." Canon 70 of 1603

runs :—" In every parish church and chapel within this realm shall be provided one parchment book at the charge of the parish, wherein shall be written the day and yeare of every christening, wedding, and burial which have been in the parish since the time that the law was first made in that behalf, so far as the ancient books thereof can be procured, but especially since the beginning of the reign of the late Queen." Then follow instructions for the keeping of a coffer with three books and three keys ; one key for the minister, and one for each of the two churchwardens. At the present day the *Parish Registers* are too generally to be found in the Parsonage house, subject to all the risks of fire and other accidents. Those who have read "The Amber Witch" will recall how the worthy *Minister Narrans* discovered that his maid of all work was in the habit of tearing out a fresh page from the Parish Registers every morning to light his fire ! It is not wonderful, therefore, that so many of the earlier Registers have disappeared, and that the *Middlesmoor Registers* now commence with the year 1700, *Kirkby Malzeard* in 1652, etc. On the other hand,



the *Pateley Bridge Registers* go back as far as 1552, and the Vicar states that there are earlier ones of Pateley Bridge preserved at York. Much inaccuracy as to dates and ages has resulted at times from ignorance as to the relations of the Old and New Styles. The reformation in the Style of reckoning time took place in 1582. This is called the Gregorian or New Style. From 1582 to the end of February, 1700, New Style is ten days in advance of Old Style, thus Jan. 1 (O.S.) is Jan. 11, N.S., and so on. From and after March 1, 1700, to end of Feb., 1800, N.S. is eleven days in advance of O.S., thus, Jan. 1, O.S. is Jan. 12 N.S. The New Style was adopted in England by 24 Geo. II., 1751, which enacted, (1) That the year 1752 shall begin on Jan. 1, instead of March 25, which was then the legal commencement under the O.S. (2) That the 3rd Sept., 1752, shall be called the 14th, or that the days from the 3rd to 13th inclusive should have no nominal existence. Accordingly the year 1751 had no January, February, or March up to the 24 inclusive (as under the Old Style the said months up to March came at the *end*

of the year), and September, 1752, wanted eleven complete days. It is consequently necessary to allow for this in computing the ages of persons born before 1752, and dying after; and to remember that under the Old Style, January, February, and March up to 24th (inclusive) belonged to the year before.

Births are found in *Parish Registers* from the early part of the interregnum to within a year or two of its close, or from about 1650 to 1657. *Marriages* are then frequently found as performed by the Mayor, banns being called in the Market Place on three successive market days.

As *Deeds* and Legal Documents enter very largely into the composition of this History, it may be mentioned that out of 144 Deeds, Charters, etc., given in this Volume, 80 relate to Nidderdale, not counting Wills and Administrations. An equally large number of Deeds belong to Vol. II. The reader will be struck by the absence of any reference to sheep in the earlier Deeds, while being pleasantly informed upon many curious manners and customs by the matter which they do contain, some of which would have served to enrich Blount's *Jocular*

Customs, and the works on *Land Tenures* and *Village Communities* of Matthews, Ouvry, Maine, Laveleye, and Frederic Seebohm.

For access to the *Nidderdale Deeds* I am indebted to Thomas Edward Yorke, Esq., J.P., Bewerley Hall, Nidderdale; William Harker, Esq., J.P., Harefield House, Nidderdale; George Metcalfe, Esq., Castlestead, Nidderdale; Mrs. H. H. Oxley, Bishopton Grange, Ripon; the Exors. of the late Thomas Carter, Esq., Mayor of Ripon, 1867-9, Mr. C. E. Carter of Chester, to Mr. William Foster of Middlesmoor, Messrs. Calvert, Solicitors, of Masham, and their clients, the present owners of Thwaite House.

The *Nidderdale Wills* and Administrations are principally contained in the Register Books and original collections of the *Peculiar Court of Masham*, but some few are in the Calendar of the *Prerogative Court at York*. A few original Masham Probates and Probate Copy Will and Administrations missing in the Masham Calendars turned up among the Nidderdale Deeds.

In addition to these, the Records of the *Manorial*



Court of Hunsingore, 1607-1838, were searched for Bayne Wills without success, as well as those of the *Honor Court of Knaresborough*, Bk. I., 1640-1708, Bk. II., 1708 to 9 Jan., 1858; and the *Middleham Surrogate Deeds*, from July 31, 1789, all without success. The *Canterbury Calendars* from the earliest period, the Index to *Lichfield Wills*, *Northampton Wills*, and the Wills proved at the *Hustings Court of London*, were all searched and certain Wills are given from each. One Will from the District Registry attached to the Court of Probate, Manchester, was supplied by Mr. John Baynes, J.P., of *Ripon*.

The *Manor Court Rolls* searched are those of the *Manor of Bewerley* in Nidderdale, for which I have to thank T. Edward Yorke, Esq., of Bewerley Hall, and of the *Manor and Liberty of Fountains*, now at *Studley Royal*. For five never to be forgotten days spent in searching the vast collection of Documents in the Muniment Room at *Studley Royal*, my thanks are due to The Most Hon. The Marquess of Ripon, K.G., and to his agent, T. S. Mason, Esq., J.P., for his courteous and valuable assistance.



The Muniments at Studley Royal are arranged in Boxes and Bundles. These are referred to in the Text as “(*Stud. Roy.*, 2, 13),” etc., *i.e.*, Box 2, Bundle 13. The Boxes and Bundles I searched are as follows:—(3, 13), (3, 15), (2, 14), (3, 17), (3, 18, and 3, 20, now in one Bundle), (3, 19), (4, 22), (4, 23), (4, 26), (6, 39), (6, 40), (6, 41), (13, 102), (14, 108), (72, 474). It would be a work of months to go through the whole series.

Though both belong to the Second Volume, I may here point out the existence at *Studley Royal* of two Latin *Court Rolls* of the Knights of St. John of Jerusalem at *Ribston*, which I do with the greater pleasure, as only two, both now at *Ribston Hall*, were, as far as I know, previously known to exist, and for the further reason that the two at *Studley Royal* were passed over without recognition of their true character by the distinguished antiquary, John Richard Walbran, F.S.A. The first is in (6.39) wrongly entitled ‘Liberty of Fountains Court Rolls.’ It is dated July 31, 27 Henry VIII. [1535], and contains under ‘Libere Tenentes, Grewelthorppe,’ a list of presentments, including

Will^{mus} Abbas de ffontibus, amerced 12^d. and Inquisition with 12 Jurors' names in Latin.¹ The full Title is "C[o]m[putus] Will[ielm]i Weston Auditoris Sci. Joh[ann]is J[e]r[usa]lem in Anglia ac patris Joh[ann]is Rawson militis et [?] [?]² preceptorii de *Rybstane* ibimet Tent. Octavo die Septembris Anno regni regis Henrici octavi vicesimo Septimo."

The second is in (3, 18 and 3, 20 mixed together). It is cautiously entitled 'A Court Roll of Grewelthorpp,' dated 6 Oct., 29 Henry VIII. [1537] and contains similar presentments and Inquisition with twelve Jurors' names.

When I mention that the preparation of this Work has occupied upwards of four years, in the intervals of other engagements, and that besides the local sources, the Libraries at the British

¹ The names are Thomas Letheley, William Walker, Ninian Staveley, Thomas Russell, Richard Thekyston, Edward Walker, John Bayn, John Belle, William Bryan, Thomas Walker, Thomas Russell, Jr., and Robert More.

² These two words probably are "Cur[ia] Baron[is]. "Tent." will then stand for 'Tentæ.'



Museum, including the MS. Department, the Guildhall, the Probate Office, Somerset House, the Record Office, where State Papers, Subsidy Rolls, Royalist Composition Papers, and the other usual sources are legion, and the Ecclesiastical Commission Archives have been explored, the reader will understand how impossible it is to furnish a complete catalogue of all the sources of information given in this work. Each has been carefully quoted in the Text. For the rest, an *Index*, confessedly imperfect, of *Persons*, *Places*, and *Subjects* has been prepared, and to the last of these the curious reader is more particularly referred. The *Index* is believed to be perfect as regards the name BAYNE, BAYNES, however spelt.

Acknowledgements of the aid of various contributors of information will be found scattered through the Text, amongst whom are Sir William J. W. Baynes, Bart., Forest Lodge, West Hill, Putney, London, S.W., Christopher William Baynes, Esq., his eldest son; Major Kenneth Schalch Baynes, John Baynes, Esq., J.P., of Ripon, the Rev. J. Whitton Darnbrough, M.A., Rector South

Otterington, Northallerton, Miss Isabel Baynes Badcock, Somerleaze, Wells, Somerset, Mr. William Gregson of Baldersby, J. Balfour Paul, Esq., Lyon King, Edinburgh; Dr. George W. Marshall, Rouge Croix; and Mr. C. T. Martin of the Record Office. Nor should I omit the late Rev. Thos. Hill Smith, Vicar of Thirkleby.

This Volume is illustrated by fourteen Plates, the first seven of Seals and Arms, the rest of Autographs; sixteen Pedigrees, seven of which are on separate sheets, viz.: Nos. 2, 6, 7 on 6, 8b, 9, 10, 11, 12, and 15 on 6; also ten Conspectuses of estates formerly owned by the BAYNE family.

Taken singly, perhaps the most curious and interesting Document, from which numerous extracts have been given, is the *Court Book* or *Register* of the Ecclesiastical Court of the Peculiar of Masham, which sadly needs editing. I have by no means exhausted the list of authorities and excluded matter.

Vol. II. is ready in MS. and comprises an account of the following families, viz.: (Group 1) Families in Masham Parish. *Ellingstring*, 1561; *Swinton*, 1568; *Fearby*, 1608; *Masham*, 1633. (Group 2)



Grewelthorpe Group. *Grewelthorpe*, 1535; *Azerley*, 1545 (including branches at *Kirkby Malzeard*, and in *Steanbeck Down*); a Section of extracts from Masham Court Books and Kirkby Malzeard Churchwardens' Account Book, 1576-1654; *Grewelthorpe*, 1584; *Bramley Grange*, *Allershaw* (Interpolated Accounts, Richard Bayne, Merchant, of York, and of *Sleningford*, Michael Bayne, of *Grewelthorpe*); *Grewelthorpe*, *Allershaw*, *Bramley Grange*; GREWELTHORPE and RIPON; *Grewelthorpe*; *Grewelthorpe*, 1584, and *Galphay*; *Grewelthorpe*, 1621; *Galphay*, 1728; in *Ripon* parish, *Winksley*, 1611; *Ripon*, 1612; an account of a family named Baines still at Grewelthorpe, believed to belong to the *Marton-le-Moor* family, which may be omitted on that ground; Baine of *Well*, 1670; *Snape*, 1705; *Bedale*, 1719; BAYNE of *Boroughbridge*, 1746. The dates given refer to the year in which the account commences.

Only 200 numbered copies of Vol. I. have been printed. To secure copies of Vol. II., orders should be sent in at once to the Publisher, Mr. William Harrison, Ripon, or to John Baynes, Esq., J.P., Ripon.



In the course of the investigation very full materials have come to hand for histories of other families, viz. : The *Kirkby Lonsdale group* comprised in an area twelve miles round Kirkby Lonsdale, the principal family of which group was seated at *Mewith Head Hall*. From this last, the family of Baynes, of *Knostrop*, seems by the bezant to have sprung, and full materials illustrate both ; then the *Wensleydale group*, *Skipton* and *Embsay Kirk* ; the family of Baines of the *Leeds Mercury* anciently seated at *Marion-on-the-Moor*, and Baines of *Bell Hall*, anciently of *Wistow* ; as well as fragments relating to many other families of the name in various parts of England, and Bayne in Scotland.

JOSEPH LUCAS.

*Tooting Graveney, London, S. W.,
Feb. 29, 1896.*



LUCAS'S BAYNE OF NIDDERDALE.

ERRATA, ADDENDA, AND CORRIGENDA IN VOL. I.

- Page 22, lines 7-4 from bottom, *dele* the words *but was driven*, etc., as far as *two years*.
- Page 60, line 16, for *Fig. 1.*, read *Fig. 3.*
- Page 91, to line 3 add "See Plate II., Fig. 5, and p. 56, No. 1b."
- Page 107, line 5, for "1695-6 read 1694-5."
- Page 111, line 1, after "Wistow," add: "They had a son John Baines, who married his cousin Dorothy Hewley."
- Page 120, line commencing "No. 22" for 'Rector, read 'owner of the living and curate.'
- Page 138, in Pedigree to 'W. D., Sept.,' add '10, 1531; Pr. 25 Jan., 1532.'
- Page 144, line 15, *insert* comma after 'Servants.'
- Page 148, line 15, for 'Chap. X.' read 'Chap. XIII.'
- Page 151, the name "Dr. John Keyton" stands fourth in the list of Benefactors to St. John's College, Cambridge (given in Speed, 2nd Ed., 1632, Fol., P. 1065).
- Page 160, line 4 from bottom, for 'hyrme,' read 'hyeme.'
- Page 161, line 2, *dele* apostrophe after "olam," *insert* comma after "2d."
- Page 177, line 16, "September 19th, 1619." Probably an error of Mr. Scott's, as it is "December 19" in the *Inq. p.m.*, for which see p. 183, line 14.
- Page 222, line 2, for '1594,' read '1594[-5].'
- Page 237, line 3, for 'Wat or Watte Natte, read 'Wat Watte or Natte.'
- Page 249, line 1, for the Deed, see p. 301.
- Page 263, line 15, *dele* comma after 'Kilburn.'
- Page 265, line 7: For the Deed, see p. 329.
- Page 265, line 8 from bottom: For the Deed, see p. 341.
- Page 266, line 1: For the Deed, see p. 397.
- Page 266, line 9 from bottom: For the Deed, see p. 403.
- Page 266, line 3 from bottom: For the Deed, see p. 404.
- Page 266, bottom line: For the Deed, see p. 405.
- Page 267, line 6: For the Deed, see p. 342.
- Page 289, line 6 from bottom, for '1600,' read '1603.'
- Page 290, line 5 from bottom, for 'about p. 65,' read p. 61.'
- Page 293, bottom line, for 'license,' read 'licence,' but not in top line.
- Page 294, 'BAINE' line 4 from bottom. On left margin of *Court Book* is written 'ex//' for 'excommunicated.'

- Page 295, line 1, 'Watson' abbrev. without marks for 'Watkinson.'
- Page 295, line 16, after 'etc.' Below this is written in *Court Book* "px. cur. post Nativ. Xri," 'next court after the Nativity of Christ.'
- Page 296, line 5, for 'Margaretum,' read 'Margaretam.'
- Page 298, line 17 and 19, 'preconizato,' 'foreknown.' For 'foreknown,' read 'preconized,' that is 'announced by the beadle or Town crier.'
- Page 298, line 7 from bottom, for the Deed, see p. 442.
- Page 300, line 20, *dele* comma after 'Woodale.'
- Page 300, line 25, for 'Nonconformists,' read noncommunicants.'
- Page 319, line 1, for the Deed, see p. 584.
- Page 323, line 7, for 'Christophee,' read 'Christopher.'
- Page 326, line 3, for 'Plate XVII.,' read 'Plate XIV.'
- Page 332, line 5, 'Thomas Bawell children.' One son named ffrancis, see p. 397.
- Page 332, line 7 from top and line 2 from bottom, 'MAUD BAYNE.' (?) MATILDA, wife of HUMPHREY BAYNE of *Riggs*, see p. 320.
- Page 333, line 5, 'Devizable,' (?) 'divisible,' as it stands in the Act.
- Page 335, line 3, for the Deed see p. 341.
- Page 348, line 8 from bottom, for '1706-7,' read '1705-6,' and see p. 390.
- Page 411, line 2, for 'July 4,' read '31 July.'
- Page 416, line 12, for 'offic. eni.,' read 'Offic. dri.'
- Page 423, line 6, to 'Autog.,' add 'Plate XI., No. 27.'
- Page 424, line 19, for 'Cur' read 'Cur.'
- Page 425, line 2 from bottom, *dele* full stop after 'lawe' and put comma.
- Page 431, line 20, for 'BANEY,' read 'BAYNE.'
- Page 434, line 11, *dele* comma after acquired.
- Page 437, line 17, *dele* comma after 'Seal,' insert it after 'heraldic.'
- Page 440, line 1, insert apostrophe before 'Stainbeck.'
- Page 442, line 6, *dele* comma after 'Yorke.'
- Page 442, line 7, *insert* 'by' after 'dale.'
- Page 446, line 3 from bottom, *dele* 'to.'
- Page 445, line 4 from bottom, for 'BANYES,' read 'BAYNES.'
- Page 461, line 5, *dele* full stop after *Limley*, and insert comma.
- Page 464, lines 14 and 15, for 'BAYNE,' read 'BAINE.'
- Page 467, bottom line, for the Deed, see p. 571.
- Page 480, bottom line of text, for '17' read '19.'
- Page 515, line 11, for 'Kilbnn,' read 'Kilburn.'
- Page 528, line 3 of Deed, for 'Bowland,' read 'Rowland.'
- Page 540, line 11 from bottom, insert " after " Esq."
- Page 559, line 2 from bottom, for '1748,' read '1848.'
- Page 561, line 4 from bottom, for 'MEETKERKE,' read 'MEERKERKE.'
- Page 571, line 10 'Richard Bayne,' see pp. 467-8.

LUCAS'S BAYNE OF NIDDERDALE, VOL. I.

LIST OF DEEDS.

	PAGE
1 Ranulf de Bayeux Charter	(Preface) i-xiv.
2 Hugo de Bayeux Charter.	59.
3 Hugo de Bayeux Charter	61.
4 Rievaulx Charter	76.
5 Fountains Charter— <i>Aldwerke</i>	77.
6 Fountains Charter	77.
7 Fountains Charter— <i>Appletrecwick</i>	78.
8 Fountains Charter— <i>Aynderby</i>	78.
9 Basedale Abbey Charter	79.
10 Selby Abbey Charter	80-81.
11 Selby Abbey Charter	81.
12 Osbert de Baius in <i>Hausay</i> Charter	81.
13 Osbert de Baius, Charter of, to <i>Drax</i> Monastery	81.
14 Charter of Robert Wildeskyt of ' <i>Hadeley</i> , cited for Seal of Will Bayn	84.
15 A <i>Ripon</i> Deed Poll, 8 Oct., 1375	144.
16 A <i>Ripon</i> Chapter Act, 4 Mar., 1460-1	146.
17 Mandate of Archbp. of York, 23 Jan., 1468-9	148.
18 Fine, 1531	149.
19 Fine, 1532	151.
20 Fine, 1534	153.
Nidderdale. 21 Inquisitio <i>post mortem</i> Marmaduci Bayne de <i>Brighouse</i>	178-84.
22 A <i>Ripon</i> Chapter Act	195.



XVIII.

LIST OF DEEDS.

			PAGE.
Nidderdale.	23	<i>Middlesmoor</i> Chapel Deed	208, 209.
	24	Fine, 1549	215-16.
	25	Fine, 1566	216.
	26	Agreement between Thos. Lord D'Arcy and Black Friars of <i>Beverley</i>	219.
	27	Fine, 1561	222.
Nidderdale.	28	Hundred Rolls <i>re</i> Woodale	228.
Nidderdale.	29	Articles and Demands, Pilgrimage of Grace, 1536	231.
	30	Order in Council <i>re</i> Tenant Right, 1577 .	232-3.
Nidderdale.	31	Petition in Chancery of Roger Bayne of Woodale, 1610.	243-6.
Nidderdale.	32	<i>Woodale</i> , Roger Bayne to Chr. Beckwith, 1621	247-8.
Nidderdale.	33	<i>Studfold</i> , Sir John Yorke and Richard Kidd, 1609	255-6.
Nidderdale.	34	<i>Studfold</i> , Sir John Yorke and Peter Bayne, 1609	258-260.
Nidderdale.	35	<i>Studfold</i> , George ffavell and John Clarke, 1632	261-2.
Nidderdale.	36	<i>Studfold</i> , Peter Craven and John Craven, 1641	262.
Nidderdale.	37	<i>Limley</i> Deed Poll, 1593	264.
Nidderdale.	38	<i>Middlesmoor and Riggs</i> , Jan. 27, 1770 .	329, 265.
Nidderdale.	39	<i>Thwaite House</i> "No. 1.," 20 Nov., 1607 .	341, 335, 265.
Nidderdale.	40	<i>Thwaite House</i> "No. 3.," 17 Oct., 1620 .	397, 266.
Nidderdale.	41	<i>Newhouses</i> "No. 4.," 24 Jan., 1609-10 .	403, 266.
Nidderdale.	42	<i>Newhouses</i> "No. 5.," 20 Jan., 1611-12 .	404, 266.
Nidderdale.	43	<i>Newhouses</i> "No. 6.," 6 June, 1613 . .	405, 266.
Nidderdale.	44	<i>Thwaite House</i> , 22 Oct., 1616.	411, 342, 267.
Nidderdale.	45	<i>Sykes</i> , Wm. Servant and Raphe Bayne, 18 June, 1618	267-8.
Nidderdale.	46	<i>Thwaite House</i> "No. 2.," 4 Dec., 1618 .	268.
Nidderdale.	47	<i>Newhouses</i> "No. 7.," 30 July, 1615 . .	269.
Nidderdale.	48	<i>Newhouses</i> "No. 8.," 22 June, 1620 . .	269.
Nidderdale.	49	<i>Middlesmore</i> , 31 Oct., 1660	269-70.
Nidderdale.	50	<i>Middlesmore</i> , 15 Mar., 1632-3	269-70.
Nidderdale.	51	<i>Over Ahead</i> , Valor, 1540	275.
Nidderdale.	52	<i>Newhouses</i> "No. 10.," 22 Ap., 1669, and 21 Ap., 1625	442, 298.
Nidderdale.	53	<i>Woodale</i> , Bond, 5 Jan., 1656-7	300-1.
Nidderdale.	54	<i>Woodale</i> , 25 Nov., 1690	301.
	55	Roger Bayne of <i>Somerside</i> , Inq. p.m., 30 Sep., 1624	305-6.
Nidderdale.	56	Chancery Plea, 1581	314.

LIST OF DEEDS.

XIX.

			PAGE.
Nidderdale.	57	<i>Westholme, Burthwaite, and Lofthouse, 2 Dec., 1592</i>	315.
Nidderdale.	58	<i>Middlesmoore and Riggs, 14 July, 1642</i>	321-2.
Nidderdale.	59	<i>Middlesmoore and Riggs, "No. 2," 31 July, 1606</i>	411, 325-7.
Nidderdale.	60	<i>Middlesmoore and Riggs, 30 Sep., 1693</i>	327.
Nidderdale.	61	<i>Middlesmoore and Riggs, Nov. 6, 1775</i>	329.
Nidderdale.	62	<i>Middlesmoore and Riggs, Nov. 22, 1769</i>	329.
Nidderdale.	[38]	<i>Middlesmoore and Riggs, Jan. 27, 1770</i>	329.
Nidderdale.	63	<i>Middlesmoore and Riggs, Nov. 21, 1771</i>	329.
Nidderdale.	64	<i>Middlesmoore and Riggs, May 19, 1790</i>	330.
Nidderdale.	65	<i>Newhouses (I.B.), Sir John Yorke and John Bayne, 31 July, 1606</i>	333-4.
Nidderdale.	66	<i>Newhouses, "No. 2," John Bayne to Robt. Servant, 20 Nov., 1607</i>	334.
Nidderdale.	67	<i>Newhouses, "12," 24 Aug., 1669</i>	335-6.
Nidderdale.	68	<i>Thwaite House Grange Lease, 4 July, 1495</i>	336.
Nidderdale.	69	<i>Thwaite House Grange Lease renewed 4 July, 1538.</i>	336-7.
Nidderdale.	70	<i>Thwaite House Grange Lease, 4 Aug., 1561</i>	337.
Nidderdale.	71	<i>Breckonridge "No. 1," 14 Sep., 1625</i>	339-40.
Nidderdale.	[39]	<i>Thwaite House "No. 1," 20 Nov., 1607</i>	335, 265, 341-2.
Nidderdale.	[44]	<i>Thwaite House, 22 Oct., 1616</i>	267, 411, 342.
Nidderdale.	72	<i>Thwaite House "No. 4," 16 Jan., 1713</i>	349.
Nidderdale.	73	<i>Thwaite House "No. 6," 15 Nov., 1771</i>	358.
Nidderdale.	74	<i>Thwaite House "No. 7," 16 Nov., 1771</i>	358.
Nidderdale.	75	<i>Thwaite House "No. 8," 12 Jan., 1787</i>	358.
Nidderdale.	76	<i>Thwaite House "No. 9," 13 Jan., 1787</i>	359.
Nidderdale.	77	<i>Land opposite Crown, Pateley Bridge, Lease, 25 Jan., 1805</i>	363.
Nidderdale.	78	<i>Land opposite Crown, Pateley Bridge, Release, 26 Jan., 1805</i>	364.
Nidderdale.	79	<i>Land opposite Crown, Pateley Bridge, Lease, 27 Dec., 1815</i>	364.
Nidderdale.	[40]	<i>Thwaite House (2) "No. 3," 17 Oct., 1620 (3000 years' Lease)</i>	266, 397-8.
Nidderdale.	80	<i>Lofthouse (Lands in), 29 June [? 1624]</i>	398-9.
Nidderdale.	81	<i>Lofthouse (Lands in), 14 Nov., 1613</i>	399.
Nidderdale.	82	<i>Lofthouse (Lands in), 14 Nov., 1616</i>	399.
Nidderdale.	83	<i>Newhouses (II.) "No. 1," July 31, 1606, Sir John Yorke and Thomas Messenger</i>	402-3.



			PAGE.
Nidderdale.	84	<i>Newhouses</i> "No. 3," 27 May, 1609 . . .	403.
Nidderdale.	[41]	<i>Newhouses</i> "No. 4," 24 Jan., 1609-10 . . .	266, 403-4.
Nidderdale.	[42]	<i>Newhouses</i> "No. 5," 20 Jan., 1611-12 . . .	266, 404.
Nidderdale.	[43]	<i>Newhouses</i> "No. 6," 6 June, 1613 . . .	266, 405.
Nidderdale.	85	<i>Limley</i> , 26 Sep., 1609 . . .	408-9.
Nidderdale.	86	<i>Limley</i> , 17 Nov., 1662 . . .	409, 434.
Nidderdale.	87	<i>Limley</i> , 15 April, 1672 . . .	409.
Nidderdale.	88	<i>Limley</i> , 10 Dec., 1664 . . .	409, 410, 435-6.
Nidderdale.	89	<i>Limley</i> , 29 May, 1668 . . .	409, 410, 435-6.
Nidderdale.	90	<i>Limley</i> , 29 Dec., 1669 . . .	409.
Nidderdale.	[59]	<i>Middlesmoor and Riggs</i> "No. 2," 31 July, 1606 . . .	411, 325-7.
Nidderdale.	[59]	<i>Middlesmoor and Riggs</i> , 10 Nov., 1572 . . .	411, 325.
Nidderdale.	[44]	<i>Thwaite House</i> , 22 Oct., 1616 . . .	267, 342, 411.
Nidderdale.	91	George Smith of <i>Mallerd Grange</i> , Inquis. . .	417.
Nidderdale.	92	Petition of William Bayne, 4 May, 1649 . . .	418.
Nidderdale.	93	Particular of Estate of William Bayne, June 2, 1649 . . .	419.
Nidderdale.	94	Petition of Dorothy Bayne, 19 Oct., 1652 . . .	422-3.
Nidderdale.	95	Petition of Walter Bayne, 3 Aug., 1650 . . .	423.
Nidderdale.	96	Particular of Estate of Walter Bayne, 11 Aug., 1650 . . .	423.
Nidderdale.	97	<i>Limley</i> , Family Deed of Settlement, Nov. 20, 1654 . . .	424, 431-3.
Nidderdale.	98	<i>Thwaite House</i> (Lands at), 25 May, 1654 . . .	424, 427-9.
Nidderdale.	99	<i>Thwaite House</i> , Bond attached, 25 May, 1654 . . .	429-30.
Nidderdale.	100	<i>Limley</i> , Ap. 15, 1672 . . .	425-6.
Nidderdale.	101	<i>Breckonridge</i> "No. 3," 23 Sep., 1701 . . .	431.
Nidderdale.	102	<i>Newhouse</i> "No. 9," 20 Nov., 1654 . . .	424, 431-3.
Nidderdale.	[86]	<i>Limley</i> , Richard Bayne, 17 Nov., 1662 . . .	409, 434.
Nidderdale.	[88]	<i>Limley</i> , 10 Dec., 1664 . . .	409, 410, 435-6.
Nidderdale.	[89]	<i>Limley</i> , 29 May, 1668 . . .	409-10, 436-7.
Nidderdale.	[89b]	<i>Limley</i> , Bond, 29 May, 1668 . . .	437.
Nidderdale.	103	<i>Limley</i> , Bond, 29 May, 1668 . . .	437.
Nidderdale.	[90]	<i>Limley</i> , 29, Dec., 1669 . . .	409, 437-8.
Nidderdale.	104	<i>Limley</i> , 15 Ap., 1672 . . .	438.
Nidderdale.	104	<i>Limley</i> , (Endorsement) 10 Dec., 1654, 29 Dec., 1669, and 15 Ap., 1672 . . .	439.
Nidderdale.	105	<i>Limley</i> , Ann Horner, 8 June, 1682 . . .	440.
Nidderdale.	[52]	<i>Newhouses</i> "No. 10," Richard Bayne, 22 Ap., 1669 . . .	442-3.

LIST OF DEEDS.

XXI.

		PAGE.
Nidderdale.	106 <i>Newhouses</i> , "No. 11," 22 Ap., 1669	443-4
	107 The Sir John Oldcastle, Clerkenwell, London, Walter Baynes, Lessor, 5 Nov., 1723	452.
	108 Chancery Suit, <i>re Cold Bath</i> , London, De- cree, Oct. 29, 1750	452.
	109 Report of Walter Baynes Deputy Custos Brevium, 1732	453-4
	110 <i>Commission de lunatico inquirendo</i> , 7 Feb., 1749	457-9.
	111 <i>Norton-in-the-Clay</i> , Jane Bayne, 25 Nov., 1682	464-5.
	112 <i>Kilburne Parcke</i> , 29 Ap., 1640	475.
	113 <i>Kilburne Parcke</i> , 8 May, 1640	475-6.
	114 <i>Kilburne Freehold</i> , 14 June, 1649	476-7.
	115 <i>Distringas</i> , 10 Jan., 1676	483-5.
	116 <i>Ripon Borough Court</i> , 20 Dec., 1675	491.
	117 <i>Kilburne Tithes Lease or Rectory Lease</i>	517, 491.
	118 John Firth Bond	493.
	119 <i>Kilburn</i> , Dunning's 3 lives' lease, 21 Sep., 1715	512, 533.
	120 <i>Kilburn</i> , Dunning's 3 lives' lease, 17 Sep., 1744	517, 534, 544.
	121 <i>Kilburn</i> , Dunning's 3 lives' lease, July 4, 1772	517, 534, 544.
	122 <i>Kilburn</i> , Dunning's 3 lives' lease, 28 Ap., 1773	534-5.
	123 <i>Kilburn</i> , Nelson's and Thompson's 21 years' Lease, 24 Jan., 1716	512, 537.
	124 <i>Kilburn</i> , Nelson's and Thompson's 21 years' Lease, 31 July, 1725	512, 537-8.
	125 <i>Kilburn</i> , Nelson's and Thompson's 21 years' Lease, 31 July, 1735	512, 517, 538.
	126 <i>Kilburn</i> , Nelson's and Thompson's 21 years' Lease, sold 1792	512.
	127 <i>Kilburn</i> , Elworth's 21 years' Lease, 24 Jan., 1716	512, 529.
	128 <i>Kilburn</i> , House Lease, 16 Nov., 1721	512.
	129 <i>Kilburn</i> , Dunning's 21 years', 10 Oct., 1726	512, 535.
	130 <i>Kilburn</i> , Dunning's 21 years', 6 Feb., 1773	512, 536.
	131 <i>Kilburn</i> , Brearey's Lease	512, 520, 544.
	132 <i>Kilburn</i> , Rectory Lease, 1 Jan., 1732-3	517, 528-9.
	133 <i>Kilburn</i> , Rectory Lease, 11 Sep., 1718	528.
	[128] <i>Kilburn</i> , House Lease, 16 Nov., 1721	530.
	134 <i>Kilburn</i> , House Lease, 31 Oct., 1758	530.
	135 <i>Kilburn</i> , House Lease, 14 and 15 Nov., 1775	530, 531-3.
	136 <i>Kilburn</i> , House Lease, 9 and 10 Oct., 1792	530, 544.

		PAGE.
137	<i>Kilburn</i> , Thompson's 21 years' Lease, 13 Oct., 1632	536-7.
138	<i>Kilburn</i> , Nelson's and Thompson's 21 years' Lease, 6 Feb., 1773	538-9.
139	<i>Kilburn</i> , Thompson's 21 years' 6 Feb., 1782	539-40, 544.
140	<i>Kilburn</i> , Fisher's Farm, 10 Oct., 1792 .	544-6.
141	<i>Kilburn</i> , Answer of William Baynes to Archbishop of York	546-7.
Nidderdale. 142	<i>Newhouses</i> , 13 Feb., 1720-21	569, 570-71.
Nidderdale. 143	<i>Newhouses</i> , 2 May, 1743	573-4.
Nidderdale. 144	<i>Moorhouse</i> , 31 July, 1606	583-4.



LUCAS'S BAYNE OF NIDDERDALE, VOL. I.

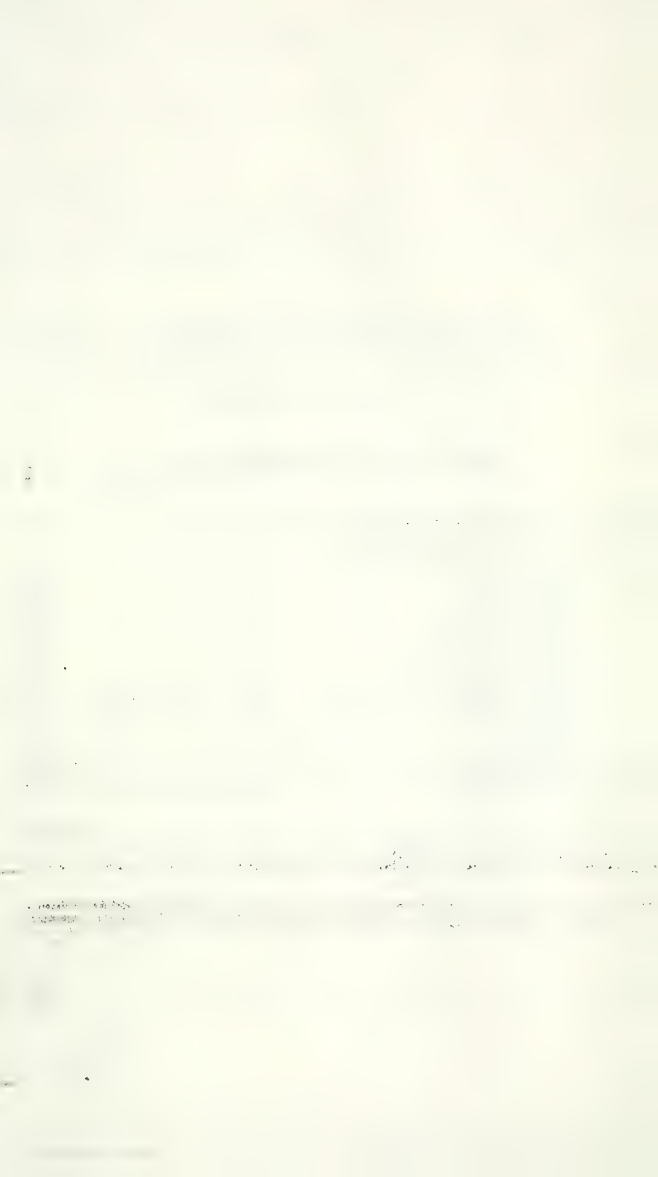
LIST OF PEDIGREES.

	PAGE.
1 Duncan, King of Scotland	40.
2 Bayeux (Loose, to face)	82.
[Paganell, Appendix B.	i.
3 Radulphus Bayne de <i>Lundcote</i>	138.
4 Stockdale	145.
5 Ralph Bayne, Bishop of Coventry and Lichfield	159.
6 Bayn of <i>Brighouse</i> and <i>Bewerley</i> (Loose, to face)	192.
7 Bayne of <i>Thorneton</i> , <i>Hobrain</i> , etc. (On 6, to face)	198.
8a Bayne of <i>Midlesmore</i>	237.
8b Bayne of <i>Midlesmore</i> , amplified and continued (Loose, to face)	262.
9 John Bayne of <i>Over Ashehed</i> , 1540, and descendants (Loose)	322.
10 Adam Bayne of <i>Newhouses</i> , and descendants (Loose)	394.
11 Walter Bayne of <i>Limley</i> , 1593, and descendants (Loose, to face)	562.
12 Bayne of <i>Hearfield</i> (Loose, to follow)	581.
13 Bayne of <i>Moorhouse in Steane</i>	591.
14 Bayne of <i>Low Lofthouse</i>	593.
15 Bayne of <i>Low Bishopside</i> (On 6, to face)	594.
16 Bayne of <i>Winsley</i> , etc.	596.

LUCAS'S BAYNE OF NIDDERDALE, VOL. I.

LIST OF CONSPECTUSES.

	PAGE.
<i>Woodale Estate</i>	236-7.
<i>Studfold Fieldnames</i>	260-1.
<i>Overashed Fieldnames</i>	275-6.
<i>Riggs 3000 Years' Leases</i>	313.
<i>Riggs (two Estates)</i>	319.
<i>Thwaite House Grange (five Estates)</i>	(On separate sheet, to face) 339.
<i>Newhouses Leases</i>	406.
<i>Limley Estate</i>	409-10.
<i>Kilburn Estates</i>	527.
<i>Kilburn Estates</i>	(On separate sheet, to face) 540.



HISTORICAL GENEALOGY

OF THE FAMILY OF

BAYNE OF NIDDERDALE.

CHAPTER I.

MR. ALDERMAN JOHN BAYNES, J.P., of Ripon, having written to me in December, 1891, to enquire whether I was aware of the existence of any evidence establishing the Nidderdale tradition that Donald Bane, King of Scotland, settled at Limley in Nidderdale, it will be convenient to set forth the shapes in which this tradition has appeared as far as known to me.

THE TRADITION.

I am not aware when it was first committed to writing, but the earliest dated record of it in print that I have seen is that appearing in W. Betham's *Baronetage of England*.



1805, Vol. V., p. 453; Debrett's *Baronetage of England*, 1808; and Playfair's *Family Antiquity*, 1811, 4to, p. 612—

(a) "This family is supposed to have received its name . . . from its original ancestor, Donald Bane, King of Scotland; (b) it . . . formed a clan of some eminence in the North of Scotland, (c) but migrated thence; and (d) in 1484 a branch thereof was regularly established at Middlesmoor, in the county of York."

The next mention I have found is in *The History of Netherdale*, by Wm. Weatherhead, (Leeds, 1839, 8vo), p. 17, which says: "the family of Bayne is of remote antiquity at Middlesmoor: They are said to be descended from Donald Bayne (*sic*) King of Scotland, who left his country during the civil wars and settled there. This family afterwards removed to Limley, and began to spell their name Baynes," etc.

The next dated record that I have seen is that in Wm. Grainge's *Nidderdale* (Pateley Bridge, 1863, 8vo, p. 147): "They are traditionally said to be descended from Donald Bayne (*sic*), a Scottish king, or chief, who left his native land, and settled here."

The tradition current in Nidderdale in my time, 1867 to 1872, when the family of Bayne was, as far as I know, extinct in the dale, and which I write down as taken from the mouth of Mr. John Kitching, of Branksome Hall, Darlington, 1892, was that "Donald Bane fled from his

last field of battle and came to Nidderdale in full armour, and mounted on his warhorse: that he and his were taken by the inhabitants to the cave which is now called Tom Taylor's Chamber, and there lay hidden for a time: and that Donald Bane afterwards settled at Limley," but Mr. Kitching was not certain whether the last point referred to Donald Bane or his descendants.

AN ALLEGED PEDIGREE.

The celebrated Antiquary of Ripon, the late Mr. John R. Walbran, F.S.A., says that he saw, in 1863, a pedigree of the family of Bayne of Nidderdale, which mounted through nineteen generations, to "Walter, who migrated from Scotland in 1182, and is stated to have been the fifth in descent from Donald VII., surnamed Bane:" but he says that he does not "know where to look for the evidence of the pedigree." (*Memorials of the Abbey of St. Mary of Fountains*, Surtees Society, 1863, 8vo). This Pedigree will be criticised in Chapter VIII.

Having given the evidence of the *tradition* and the *pedigree*, which vary to the extent of nearly a century as to the date of the migration, it would follow to set forth next in order such historical facts and records as may bear upon the evidence of both, as well as to show the state and ownership of the upper part of Nidderdale at each period.

However, in order to present the facts in Chronological Order, as the title of Donald Bane to be called King of Scotland has been frequently ignored, and as his name is omitted in the list of Scottish kings in Burke's Peerage, it will be well first to show that his title was a good one, and that he was duly crowned at Scone.



CHAPTER II.

DONALD BANE'S TITLE.

From the *Pictish Chronicle* (Skene, *Chronicles of the Picts and Scots*, p. 8), we learn that "Kinaidus filius Alpini primus Scottorum Rex," Kenneth Macalpine, who, having united the Scots and Picts under one sceptre, became the first king of all Scotland, on dying in 858, was succeeded not by his son, but by "Duvenaldus frater ejus" his brother Domnall or Donald, under the *Celtic rule of succession* known as *tanistry*. 'Tanistry' is a gaelic word *Tainistearachd*, meaning 'presumptive heirship' (Macalpine, Dic.), by which the 'heir presumptive' was 'the next oldest son' (*i.e.* the next brother of the party in possession). He was called *Tainistear* or 'Tanist'; *Tain* meaning wealth in flocks; flocks: *cattle* (Macalp.); therefore, *wealth, property*. The *Pictish Chronicle* adds: "In hujus tempore jura ac leges regni Edi filii Ecdach fecerunt *Gwedeli* cum rege suo in Fothiurtha-baicht." 'In the time of this Donald *the Gaels* together with their king in F. made the laws of the kingdom of Aed.'

Now Fordun says that Malcolm, king of Scotland, made in 945 a subinfeudation or grant of Cumbria to Indulf the Tanaist or heir apparent of the Scottish crown, to the intent that the province should be governed as an apanage until the prince should be called to the throne, and that it should thus descend from *heir to heir*, so that whoever held it was the recognized heir to the Scottish throne. The *Pictish Chronicle*, which is written in Latin, refers the establishment of the law to the time of the above Donald, as applying to the kingdom of all Scotland, but it had been for centuries followed in the *Pictish succession*, whereby 'the sons of the same woman succeeded one another.' 'No son of a previous king of the Picts is recorded to have ever been made king by them' (Rhys. *Celtic Btn.*, 1882, p. 167). But the Picts are said to have derived it from the 'Scots' *i.e.* *Gaels* of Ireland, by Bede (Lib. I., 1). 'And when the Picts, who had no wives, sought some from the Scots, they consented to give them on this condition only, that when the succession came to be doubtful, they should choose a king for themselves more from the female line of kings, than from the male line (*magis de femineâ regum prosapiâ, quam de masculinâ regem sibi eligerent*), which still continues to be observed among the Picts.' But in a Gaelic 'Tract on the Picts' (before 1160) in the Book of Leinster (given on p. 125 of Skene's *Chronicles of the Picts and Scots*) we read: "After that Cruithnechan, the son of



Cing, came to beg for wives from Herimon. And Herimon gave him the wives of the three men that were drowned at the Dumachs, viz. : Breas, and Broes, and Bruagne. And they were obliged to give the sun and moon as guarantees *that not less should territorial succession be derived from men than from women for ever.*" (Et rath grene et esca forra co na bad lugu ro gabtha ferand o feraib i Cruithentuaith *quam* o mnaib co brath). These ambiguous words seem to place male and female succession on an equal footing, or rather to favour the male succession, but the Latin word *quam*, 'than,' is an insertion probably in the wrong place, and in order to get the real meaning of the passage, it should be interpreted in the light of the passage in Bede, by the insertion of the word 'than' before the words 'from men' when it will read 'from women than from men,' which will agree with the account of the careful Bede. The origin of the succession through the female line is no doubt to be found in the practice of primitive nations of having wives in common, when the maternity alone was certain; as recorded by Cæsar of this island (*De Bello Gallico*, V., 14).

The Church of Columba did not interfere with this rule of Tanistry, which was not recognised by that of Rome, so that the succession under the law of Tanistry formed part and parcel of the old order of things to be defended and upheld against the innovations introduced into Scotland by

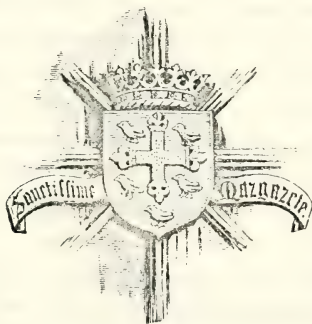


Margaret under the protection and at the instigation of the Church of Rome. To this defence the name Malcolm, *Maolcolum*, a 'votary of St. Columba,' is due, and one bearing that name nailed his colours to the mast of his own body to the death, as a devotee of Columba *versus* the Church of Rome and innovations. Malcolm deserted his standard, which he must have followed for the first fifteen years of his reign, as he was not married to Queen Margaret till 1070, and by the influence of his saintly wife, introduced Romanism, Englishmen, and customs abhorrent to the Scots of the Columban or old school, of which Donald Bane was the chosen champion. Donald Bane, 'with little ado received the crowne' . . . 'at the abbeie of Scone.' . . . 'For many of the people abhorring the riotous maners and superfluous gormandizing brought in among them by the Englishmen, were willing enough to receive this Donald as their king—*because he had beene brought up in the Iles with the old customes and maners of their ancient nation*, without tast of the English likerous delicats.' (Harrison's *Boece in Holinshed*, p. 180). Donald Bane held as *Tanist* the Scotch province of Cumbria, which extended into England, during Malcolm Canmore's reign, and was, therefore, under the law of Tanistry recognized heir to the throne, and on his death was under the same law recognized and erected by the old school or National (Gaelic) party, as king of Scotland. But, though never



quite extinguished till his time, the law of *Tanistry* received its death-blow at his fall, by the succession of Edgar, Malcolm's son.

Now, among other innovations, Malcolm Canmore introduced hereditary surnames. We shall find the name of *Donald Bane* again in the Historical Records below, which, on the assumption that the name was an hereditary one, will show that the claim was not abandoned, but various efforts were made to regain the throne up till 1215.



THE ARMS OF QUEEN MARGARET OF SCOTLAND.

From "*Royal Edinburgh*" by Mrs. Oliphant, p. 35, 1890.

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CHAPTER III.

HISTORICAL RECORDS.

LIFE OF DONALD BANE.

§ I. CHRONICLES.

The earliest contemporary chronicle seems to be the Saxon Chronicle. Besides that, a few native and foreign records, which escaped the general destruction of Scotch Archives by Edward I. of England, enabled the construction of the *Scotichronicon* of Fordun (who died in 1386), and parts of later chronicles. The *Saxon Chronicle*, under the year 1093, says: "And the Scots then chose Donald, Malcolm's brother, for king, and drove out all the English who were before with king Malcolm." And under the year 1097: "Soon after St. Michael's mass Edgar Ætheling, with the king's support, went with a force into Scotland, and in a hard fought battle won that land, and drove out the king Donald (thone Cyng Dufenal)," etc. These passages appear again under their years in the *Annales Waverleiensis*; and that of 1093 in the *Chron. of Walter Hemingford*.

After the death of Duncan his father, Donald Bane spent many years in Ireland. Thus Bellenden's Boece, "the Twelf boke." "As sone as Duncane was slane, Makbeth come with ane gret power to Scone, and tuk the crowne. . . Syne chasit Malcolm Cammore and Donald Bane the sonnys of K. Duncane in Cumbir quhare Malcolme remainit continewally . . . bot Donald went in Ireland."¹

This explains a contemporary notice of Donald Bane found in the Irish *Prophecy of St. Berchan*, written in Gaelic, 1094-1097 (MS. *Roy. Irish Acad.*, Dublin), in the last verse but two and the next (Skene, pp. 104, 105).

"After him will possess *Domnall Ban*,
Alas! Alas! my heart is pain to me,
It is in his time will come over
The men of Alban to Erin."

"Four and twenty kings are there,
From the first king who will possess Alban (Scotland)
To *Domnall Ban* who gives love,
And he will leave Alban to the Gentiles." (do gheintibh.)

From this prophecy after the events we see that the hopes of the Gaels, as expressed by the Irishman, were centred in Donald Bane; though we know that the 'gentiles' proved too strong for him.

These Records are found in Skene's *Chronicles of the Picts and Scots*, (Edinb., 1867, 8vo). The earliest is *Chron. of the Scots*, 1165, from a MS. at Paris. After

¹ The curious may refer to Shakespeare's *Macbeth*, Act I., sc. iv.; sc. vi; Act II., sc. iii.

mentioning Malcolm, it says (p. 132 Sk.) “Dolfnal frater ejus regnavit annis III. et VII. mensibus. Dunchad filius Malcolmi dimidium annum!” ‘Donald his brother reigned three years and seven months. Duncan, son of Malcolm, six months.’

The *Annals of Innisfallen* (MS. in Bodleian Library), under the year 1094, says: “Donnchad mac Maelcoluim Ri’Alban occisus est o Domnaill meic Donnchada. Domnaill sin dan do gabail rige Alban iarsein.” ‘Duncan, son of Malcolm, king of Alban (Scotland) was slain by Donald, son of Duncan. That Donald then took the kingdom of Alban after that.’ (P. 167, Sk.)

The *Chron. of the Picts and Scots*, 1251 (MS. Brit. Mus., Harl., 4628, from the Register of the Prior of St. Andrews. No. XXIX., Skene), under “Nomina regum Scotorum” gives (p. 175, Sk.) “Donald mac Donchat prius regnavit sex mensibus et postea expulsus [est], et Donechet mac Malcolm regnavit sex mensibus,” etc. ‘Donald, son of Duncan, first reigned six months, and was afterwards driven out, and Duncan, son of Malcolm, reigned six months. He being killed by Malpeder Mackcolm, earl of Merns, in *Monach-Eden*, Donald mac Duncan again reigned for three years. He was taken by Edgar Mac Malcolm, was blinded, and died at Rosolpin, and buried at Dunkeld, from whence his bones were transferred to Iona.’

The *Continuation of the Annals of Tighernac*, , (MS.



The *Chron. of the Picts and Scots*, written in Norman French, 1280 (p. 206, Sk.), is a translation of No. XXIX. Both the above repeat the story of the blinding.

CHRONICA DE MAILROS (Chronicles of Melrose), which abbey was founded 1136, under the year 1056, "Invasit igitur regnum *Duvenaldus* [under the year 1093, it writes *Dovenaldus*] frater praedicti regis Malcolmi, legitimis haeredibus, scilicet Edgario, Alexandro, David exilio relegatis." 'Donald, brother of the aforesaid king Malcolm took possession of the royal authority, the legitimate heirs, viz.:—Edgar, Alexander, and David being relegated to exile.' . . . 'But in the year 1096, Edgar, son of king Malcolm, assumed the royal authority or kingdom of Scotland by hereditary right,' "Duvenaldo capto et carceri perpetuo damnato," 'Donald being taken and *condemned to perpetual imprisonment.*' Which passage is repeated in the *Chronicles of Huntingdon* (before 1290. MS. in Public Archives, London), p. 211, Sk.

From one of a series of 'Tracts relating to the English Claims,' given in Skene (MS. (a) Coll. Edinb., *Scotichronicon* (b) MS. Donibristle), I extract (p. 281, Sk.): "When Duncan and Edgar had been driven out of the kingdom by the power of a certain Donald Bane (cujusdam Douenaldi Ban) with the aid of the king of Norway (cum auxilio Regis Norwegie), and with some assistance from the king of England (et cum aliquo adminiculo regis Anglie), they

recovered the state," etc.—which seems to be the authority for the statement that the king of England (Wm. Rufus) helped to place Donald Bane on the throne after the death of Malcolm.

The *Chronicle of the Picts and Scots*, 1317 (MS. Sir T. Phillips, p. 289, Sk.), repeats the passage in No. XXIX. given above, with some variations. It spells Donald 'Douuenaldus,' and makes 'Doncath' (Duncan) to be slain by "Malpedir filio Lorin comite de Mar," 'Malpedir, son of Lorin, Earl of Mar:' it writes, 'secatus' for 'cæcatus,' blinded; 'Roscolbin' for 'Rosolpin;' and makes Donald Bane to have been buried 'in Dunfermlin' instead of Dunkeld. Otherwise it corresponds with XXIX.

The *Chronicle of the Scots*, 1333-4, p. 286, Sk., not worth copying.

The *Chronicle of the Scots*, 1348 (Brit. Mus., Cott. Vitell. A. 20) p. 303, Sk., says, "Douenald mac Dunchath first reigned seven months," etc., and again three years, . . . and was afterwards taken by Edgar and blinded (cecatus) in Roscolbyn and buried at 'Dunkeldyn,' and his bones were transferred "ad Hyonam insulam"—to the island of Iona.

The *Chron. of the Scots*, XIV. Cent. (B.M. Harl., No. 1808), p. 307, Sk., is brief: "Donewaldus [regnauit] iiij annis et expulsus est a regno" 'reigned four years and was driven out of the kingdom.' (The above from Skene.)

Fordun (who died 1381) in *Scotichronicon* (Lib. IV., c. 44), writes: "Genuit autem Duncanus duos filios, *Malcolmum Chammore*, latine vero *Grossum caput*, et *Donaldum Bane*." 'Duncan begat two sons, Malcolm Canmore, *i.e.*, *Greathead*, and Donald Bane.' The *Chronicon Rythmicum* (MSS., Edinb.), has these four lines (p. 336, Sk.)—

"Malcolm Kenremor annos per ter deca septem,
Et menses octo : cujus frater *Dovenaldus*
Annos complevit trinos regnando vicissim,
Dum Duncan medio sex menses tempore vixit."

§ 2. HISTORIES.

The metrical version of Boethius, by W. Stewart, called *The Buik of the Croniclis of Scotland* (Rer. Britann. Med. Ævi Scriptores, 1858, 8vo), Vol. II., p. 689 to 696, has 2,306 lines in which the history of Donald Bane is told in verse. Before giving Extracts from this Buik, however, it is necessary to note, for the credit both of Malcolm and of Donald Bane, that the Hebrides had been long under the dominion of the Kings of Norway, and that their subjection to the Kings of Scotland was in tribute only. Thus, in *OLAF THE SAINT'S Saga*, c. cix., we read: "Hebrides." "Earl Thorfinn, of Orkney, vassal of Olaf, King of Norway, had under him Orkney, Shetland, and the Hebrides, besides very great possessions in Scotland and Ireland;" and in c. cxvii., "The Earls Thorfinn and Bruse

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came to Olaf in the summer 1021, and he became master of their land." In MAGNUS BAREFOOT's *Saga*, we read (cap. xi.):—"Then men went between the Scottish King *Malkolm* and King Magnus, and a peace was made between them: so that all the islands lying west of Scotland, between which and the mainland he could pass in a vessel with her rudder shipped should be held to belong to the King of Norway," etc., then it recites how Magnus took possession. Now this was in redemption of a promise given by Donald Bane. Thus Buchanan (*Rer. Scotticar. Historia*, Lib. vii., c. xxiii,) writes:—"Donaldus Banus . . . qui Macbethi metu in Æbudas perfugerat, Magno Regi Norvegorum omnes insulas pollicitus," etc. "Donald Bane, who from fear of Macbeth had fled for refuge to the Hebrides, having promised to Magnus, King of Norway, all the islands," etc., if he would assist him against all his enemies (Henry, *HIST.*, Bk. iii., c. I., § I.), which has been mistaken to mean that those islands were ceded in Donald Bane's time, though it is true that Magnus did not take actual possession till 1097. It was from thence Donald Bane came to seize the throne, as Major (*Hist. Lib. III.*, cap. ix.) says:—"Norvegiæ Regis auxilio fretus," 'relying on the aid of the King of Norway.' So that Magnus must not only have been seized of them in 1093, but he must have acquired the Western Isles from *Malcolm Canmore*, which seems to me to clear up a disputed point

in history, and to justify the statement in *Magnus Barefoot's Saga*.

Stewart, Vol. II., p. 689.

"HOW DONALD BANE PURPOSIT TO CLAME THE CROWN,
QUHILK BROTHER WES TO KING MALCOLME."

- 41,451 " This King Malcome, at Anwick guhilk wes slane,
Ane bruther had wes callit Donald Bane,
Quhilk in the Ylis wes fled lang tyme befor;
Sic dreid he had than of Malcolm's schoir,
And all his dais thair he did remane.
And when he knew that King Malcome wes slane,
And Edward als that wes his son and air,
He tuk purpois than hamewart to repair
Sen he wes narrest as he understude
41,460 To clame the crown be *law of consuetude*,¹
And abillest als that tyme of any uther
Efter the deith of gude Malcome his bruther.

"HOW DONALD BANE WES CROWNIT KING OF SCOTLAND,
AND OF ORGANUS AND HIS COMPETITOUR."

- " This ilk Donald, as my author did sa,
Convenit with the King of Norrowa,
41,465 Promittand him, for his help and supplé,
The Ylis all liand within the se.
Be quhais help, syne as I understand,
Crownit wes he that tyme King of Scotland."

BELLENDEN, *The twelf buke*, Fo. L., lxxxij., says: "Efter the deith of King Malcolme his brothir he returnit in Scotland be support of ye King of Norroway, for he promittit to geif the Ilis of Scotland to perpetual dominion of the said king, so that he obtenit the croun be his support."

¹ NOTE.—That is, the law of Tanistry.



STEWART, p. 693. [Then after the death of Duncan.]

- 41,588 "Sone efter syne into the second zeir
 Mangnes, the King that time of Norrowa,
 With ane greit armie come upon ane da,²
 And all the Ylis tuke at his awin hand,
 Without debate of ony or ganestand,
 With all the strenthis also less and moir,
 Be the promit Donald maid him befoir,
 41,595 And gave them lawis, as my author sais."

HARRISON'S Boece in Holinshed, p. 180, says: "The Scottishmen having great indignation that the Iles being anciently parcel of the crown should be thus alienated from the same, sent orators unto Edgar, who sent and demanded the crown from Donald, promising him Lothian as a solatium; but Donald hanged the messengers." After which Edgar came.

STEWART, p. 695.

- 41,642 "This Donald Bane that weill his cuming knew,
 Arrayit him upon the tother syde,
 With mony berne that battel weill durst byde.
 Syne when he saw appearand in his sicht
 Sanct Cudbertis baner borne so high on hicht,
And the reid lyon, all in gold so reid,
 Wes streikit up agane him in that steid
 Sic fortoun than he had that tyme and grace
 His lordis all were with him in that place,
 They left him there into the field allone
 And to young Edgair passit syne ilkone."

[This was the "hard fought battle" of the Saxon Chronicle, 1097.]

² NOTE.—This was in 1097.

- "This Donald Bane quhen he saw and beheld
 His men allone had left him in the feild,
 41,655 With haill effect tuke purpos for to fle
 On to the Ylis in the occident se.
 Zit nevertheles it hapnit so on cace,
 Or he came thair he wes tane in ane chace,
 [P. 696.] And syne deliverit to Edgair the prince.
 41,660 The quhilk Donald for his wrang and offenc
 This ilk Edgair, as my author said me,
 In presoun maid sone efter for to die."

Now Skene (*Celtic Scotland* Vol. I., p. 440) says: "It was not till two years after that he [Edgar] succeeded in taking *Donald Ban* prisoner," but I have missed the document which was his authority, and he does not give it. Here, however, we have the only occasion in his life when he is recorded to have fled alone (being deserted by his army) from the field "on his war horse in full armour," which favours the words of the tradition "that Donald Bane fled *from his last field of battle* and came to Nidderdale in full armour and mounted on his warhorse." He wished to reach the Isles, but was probably obliged to turn south into England, and follow the wild moorlands south to Nidderdale. Here he may have remained for the two years, but whether he was discovered there by some Scotch raiders, and carried to Edgar, or whether he could not rest, but voluntarily returned to try his fortune in Scotland and was so captured, history sheweth not. But there is the ring of truth in the story of the War Horse, and the fact of his being lost to History for two years on this occasion supports



the Tradition that he fled to Nidderdale, and sheltered in Tom Taylor's chamber, 1097. His remaining in Nidderdale for two years would bring us to 1099, the date of his capture and blinding, according to the continuation of the Annals of Tighernac.

Skene adds the account of his blinding, perpetual imprisonment, and death at *Roscolpin* or *Rescobie*, his burial at Dunfermline from the original *Chron. of the Picts and Scots*, No. XXIX., and that The *Scalachronica*, says also: "That he died at Dunkeld, and was buried in Iona," which, says Skene, is unlikely, as the isles did not then belong to Scotland. But this seems to me to be most likely—from his relations with the Norwegians, to whom he was instrumental in confirming the Isles. We can only accept the story that he was buried at Dunfermline or Dunkeld, and that his bones were afterwards transferred to Iona. The Continuation of Tighernac is the authority for his being blinded by his brothers. Other authorities say by Edward.

On his second accession he associated Edmund, Malcolm's third son, with him to please the lowland Scots, and they between them procured the murder of Duncan. William of Malmesbury (*Hist. Regum.*, Bk. V. § 400) says, that Eadmund, at the fall of Donald Bane, was taken and condemned to perpetual imprisonment by Edgar, but the *Buik of the Croniclis* cited above, lines 41,441-2, says,



in enumerating "The number of King Malcome's sonis gottin with Quene Margaret,"

41,441 "Edmund the third, as in story we schew,
Quhilk *Donald Bane* some tyme in prison slew."

Now my interpretation of the history of *Donald Bane* is, that he fled in 1040 to the western isles for fear of Macbeth; that he remained there for fear of Malcolm for fifty-three years, or up till 1093; that he promised to confirm the western isles to Magnus if he would assist him to the throne of Scotland in the event of Malcolm predeceasing him; that Magnus exacted performance from Malcolm himself; but did not actually enforce it till Donald Bayne's time; that he sheltered Donald on his flight from Duncan, under his nominal possession, and that he took forcible possession with great slaughter in 1097 during Donald Bane's reign. That this slaughter excited the whole Scotch nation against Donald Bane, and therefore they invited Edgar, and deserted Donald Bane on Edgar's arrival. That Donald Bane fled alone intending to reach the Western Isles, but was driven South to Nidderdale in full armour on his war horse and sheltered in Tom Taylor's Chamber at first, but after a residence of two years, was either discovered by Scotch raiders and carried back to Scotland or returned voluntarily to make another attempt to regain the crown, was captured and given up to Edgar, who imprisoned him for life, when he was blinded



by his brothers or by Edgar's orders 1099. That he died in prison at Rosolpin, Roscolbin, or Rescobie, was buried at Dunkeld or Dunfermline, and that his bones were afterwards carried to Iona by the Culdees, under protection of the Norwegians, and buried there.

CHAPTER IV.

RECORDS BEARING ON THE LATER DATE, OR THAT OF
THE ALLEGED PEDIGREE SEEN BY WALBRAN.

§ 1. CHRONICLES.

RISING IN FAVOUR OF DONALD BANE MACWILLIAM.

A. CHRONICLES RELATING TO THE YEAR, 1181.

BENEDICTUS ABBAS, elected Abbot of Peterborough, 1177, died 1193, therefore a *contemporary Chronicler*, in *Gesta Regis Hen. II.*, says, under the year 1181: "Duvenaldus filius Willelmi, qui saepius calumniatus fuerat regnum Scotiae et multoties furtivas invasiones in regnum illud fecerat, per mandatum quorundam potentum virorum de regno Scotiae, cum copiosa multitudo armata applicuit in Scotiam, devastans et comburens totam terram quam attingebat: et homines fugabat, et omnes quos capere potuit interficiebat." "Donald, son of William (Macwilliam), who had often claimed the Kingdom of Scotland, and had many times made furtive invasions of that Kingdom, landed in Scotland with a large armed multitude, on the invitation of certain men of might of the Kingdom of



Scotland, devastating and burning the whole country which he reached ; and both put men to flight, and killed all whom he could take.'

ROGER HOVEDEN, Domestic Chaplain to Henry II., and whose Annals end with the year 1202, therefore also a *contemporary Chronicler* gives (*Chron. and Memor.*, V. II., 263), 1181, a mere abridgement of Benedictus Abbas : "Eodem anno Duvenaldus filius Willelmi filii Dunecan, qui saepius calumniatus est regnum Scotiae, venit cum exercitu magno in Scotiam et depraedavit eam circa maritima," a passage copied almost *verbatim* by Walter of Coventry, who wrote more than a century later, viz., between 1293 and the end of the reign of Ed. I., the only difference being that Walter of Coventry puts '*saepe*' for '*saepius*,' '*Scottiae*' for '*Scotiae*,' and omits the words '*magno in Scotiam*,' an important omission ; for instead of 'came with an army' we learn from Benedictus Abbas that he 'came with a large army *into Scotland*.'

WALTER OF COVENTRY, under the year 1181 (*Memor.* V. I., p. 315), "Eodem anno Duvenaldus filius Willelmi filii Dunecan, etc." 'In the same year Donald, son of William son of Duncan, who frequently claimed the kingdom of Scotland, came with an army, and committed depredations in it around the coasts.'

It is significant that this was the year before the alleged migration of *Walter* of the pedigree seen by Walbran.

A much later Chronicler, Fordun, who died in or about the year 1386, brings his *Scoti-Chronicon* down to the year 1153; but he left materials for bringing down the narrative to the year 1385, which were put in order by Walter Bower, Abbott of Inchcolm, who continued the History to 1437.

Walter Bower, under the year 1179, writing therefore at least 260 years after the events, says: "Hoc etiam anno, etc." 'In this year also William, King of Scotland, with his brother David, Earl of Huntingdon, and a large army, advanced into Ros against *Macwilliam*, but whose real name was *Donald Bane* (contra *Macwilliam* sed vero nomine *Donaldum Ban*), and there established two castles, viz., Duncath and Edirdovar, which being established he returned to the southern parts of his Kingdom. But when seven years had passed (sed transactis septem annis),' and he then goes on to describe the events of *Macwilliam*'s fall; but as he says himself under the year 1187, that the account of that year ought to have been written there (sed hic debuit inscribi) I shall give it under the year 1187 in its proper order. A discrepancy in the year will be noticed above, *Bower* alone making it 1179, while *Benedictus Abbas* and *Roger Hoveden*, the contemporary Chroniclers, make it 1181.

B. CHRONICLES RELATING TO THE YEAR, 1187.

Donald Ban Macwilliam, however, maintained the struggle for six years. *Benedictus Abbas*, a contemporary chron-

icler, in *Gesta Regis Hen. II.*, under the year 1187, says :—
“Meantime, William, King of Scotland, advanced into Moray with a large assembled army to conquer a certain enemy of his who was named ‘*Mach Willam*,’ who also said that he was sprung from the Royal Stock (se regia stripe genitum), and claimed in the right of his parents, as he asserted, the kingdom of Scotland, and frequently caused great and troublesome disturbances to William, King of Scotland by convening meetings and councils of the earls and barons of the kingdom of Scotland. Therefore, the aforesaid King William, considering that he must either lose the kingdom of Scotland, or kill the aforesaid Mac William, or drive him out of the boundaries of his kingdom, having set out for Moray, placed tribunes and centurions over his army . . . and the king remained in the castle which is called *Ylvernīs* [Inverness], and sent his earls and barons with the Scots and Galwegians to conquer his aforesaid enemy. But when they had drawn near to the army of the aforesaid Macwilliam, they charged them, and killed Macwilliam himself and many of his army : and compelled the rest to flee, and divided their spoils among themselves, and carried away with them the head of the aforesaid Macwilliam, and presented it to the King of Scotland, and he being thus overthrown peace was made in the kingdom of Scotland.”

CHRON. DE MAILROS, (which begins to be full about

1160, and is now also a *contemporary record*) says under the year 1187: "Willielmus Rex Scottorum," etc. 'William, King of Scots, entered Moray (in Mureviam) with a large army against *Macwilliam*. When the King was at the town of Inverness (Inverius) with his army, the earls of Scotland sent their men on a plundering expedition, and found Macwilliam with his people on the moor which is called *Mamgarvia*, near Moray (super moram quæ dicitur M. prope Muref), and soon fought with him, and by the help of God killed him with many others, Friday, July 31' [1187].

ROGER OF HOVEDEN, a contemporary chronicler, under the year 1187, says, merely: "Eodem anno Duvenaldus filius Willelmi, inimicus Willelmi regis Scotiæ, quem Scotti nominabant *Macwilliam* interfectus est in Murevia."

WALTER OF COVENTRY, under the year 1187, merely copies Hoveden:—"Eodem anno Duvenaldus filius Willelmi filii Dunecan," etc. 'Donald, son of William, son of Duncan, the enemy of William, King of Scotland, and whom the Scots named *Macwilliam*, was killed in Moray (in Murevia).'

WALTER BOWER, the continuator of Fordun, writing after 1437, or some 260 years after the events, gives under the year 1179, the account of the year 1187 as stated above, (Vol. I., p. 479, Ed. 1759.) 'But after the lapse of seven years from that date [1169] he [Macwilliam] continuing his accustomed wrongful efforts (nequitiam), the King set out

for Moray with a large army and a very strong hand, against the same his enemy *Donald Bane*, who [asserted] that he was sprung from the royal seed, and that he was the son of William, the son of Duncan the Bastard, who was the eldest son of Malcolm, King of Scotland, the husband of S. Margaret, (adversus eundem inimicum suum Donaldum Ban qui se regis ortum [p. 480] semine, ac filium se fore Willelmi filii Duncani Bastardi, qui fuit filius major Malcolmi regis Scotiæ, viri S. Margarietæ). He relying on the disloyalty of some unfaithful persons, had first, by the importunity of his tyranny, wrested even the whole county of Ross from its King; and then, holding the whole of Moray for no short time, had filled the greater part of the kingdom with slaughterings and burnings, seeking the whole kingdom, and aspiring to the whole. And when the King was staying with his army at the town of *Inverness* (ad oppidum de *Invernes*), and was harassing *Donald Bane* and his adherents by daily pillage and depredations, it happened that one day when he had sent out his men, in the usual manner, to the number of 2000, on an exploring and depredating expedition through the woods and villages, lo. suddenly and unexpectedly, certain fellow-soldiers of the King's army came upon *Macwilliam* and his forces asleep (*Macwilliam cum sopiis copiis*), as he lay hid on the moor, which is called *Macgarvy*, near Moray. But when he saw that those of the King's army were few

in respect of his own numbers, he suddenly joined battle and charged the royal troops ; but they, manfully resisting him with all their might, and trusting in the justice of their cause, withstood him on that account with intrepidity, and by the aid of God, killed *Macwilliam* with 500 (quingentis) of his people, the rest being put to flight ; thus rewarding them according to their deserts, Friday, July 31, [1187]. And they bore his head to the King, as a spectacle for the whole army.'

§ 2. HISTORIES RELATING TO THE YEAR 1187.

MAJOR (*Hist. Mag. Britannie, De Gestis Scotorum* Lib. 4, c. 5, Paris, 1521, 4^o). "Per id tempus quidam Scotus Sylvester Rossensis *Macwilliam* alias *Donaldus Bane* contra regem rebellabat et magnam regni partem ei vicinam perturbavit," etc. 'During that period a certain Scot, a wild forester of Ross, *Macwilliam* alias *Donald Bane* rebelled against the king, and disturbed a great part of the kingdom adjacent to him. Against whom the King [William the Lion] and David, his brother, collected an army. But while the king was staying at Inverness (Innynrness) certain men of rank, who preceded the king with a light body of troops, found the usurper near Moray, with a few of his people, on the moor, which is called 'Makardy' (tyrannum prope Moraviam invenerunt cum paucis in morâ quæ dicitur M.), whom they slew with fifty (quinguaginta) of his allies, and carried his head to the king, who caused it to be hung up in the public Market-place.'

HECTOR BOECE or Boethius (*Hist. Scot.* Paris, 1526), wrote in Latin. In 1536, John Bellenden published a free prose translation at Edinburgh, under the title *Hystory and Chroniklis of Scotland*, by order of James V., and this was again put from the Scottish dialect, in which it was written, into English, with equal freedom, by Harrison, and published in Holinshed, 1587, fol. It was also done into verse in the Scottish dialect by W. Stewart, under the title *The Buik of the Chronicilis of Scotland*, from which I have largely quoted above.

BELLENDEN, *The thretene buke*, fo., L. lxxxxii., says merely :
 ‘At this tyme Kyng William come in Ros and punisht
Makulzene and *Makbenne*, with mony othir wekit lymmaris
 of the Ilis.’

STEWART is a little fuller :—

“Of twa rank Revaris [Sea Rovers] that did greit skaith
 in Catness and in Ros.”

43.750 “ Into the Ylis in tha samin dais,
 Twa rank revaris, as my author sais,
 Makwilliame ane and *Macbrene* the uthir,
 Well wait I nocht gif that he wes his bruther,
 That samin tyme with greit power and force
 43.755 This twa tho come in Catnes and in Ross,
 In Murray land ouir all the boundis braid
 With thrift and reif great heirschip thair they maid,” etc.

HARRISON (in Holinshed, p. 190 b.), under the year 1186, says :—“ About the same time William went with an armie into Rosse against *Makulzen* and *Macbein*, two captains of

the Westerne Iles, which," etc. . . . being "taken prisoners, they after had suffered death on the wheele, according to the maner of the civill law."

In these accounts the Donald Bane, *Macwilliam*, killed July 31, 1187, and *Makulzene*, *Makulsen* are one; and *Makbenne*, *Macbrene*, *Macbein*, is evidently *Mac Bane* (in the modern spelling Macbean). Stewart suggests that they were brothers. The 'r' in *Macbrene* has come down to modern times. Thus we find 'Bayne or Brayne, Cheshire,' in Holme's *Academy of Armoury*, 1688, Bk. II., xi., p. 250., and in various wills in the *Canterbury Calendars*, etc. The genitive singular masculine of Bân, pale, is bhain, and *bh* is sounded like *v*, otherwise it might be taken for a genitive.

§ 2. DISQUISITION ON THE DOUBLE CLAIM OF DONALD BANE, MACWILLIAM, TO THE THRONE OF SCOTLAND.

An historical crux of some importance first appears in the pages of Bower, viz. : As to the identity of Duncan, grandfather of Donald Bane Macwilliam. The statement of Bower, who wrote, be it remembered, 260 years after the events, is given above (p. 29) under the year 1187, and is quite his own, unless it was found by him in the papers left by Fordun, who died in or about the year 1386, or 200 years after the events, and is not derived from any known contemporary writer. Bower says :—"Donald Bane, who asserted that he was sprung from the royal seed, and that

he was the son of William, the son of Duncan," to which point he follows the contemporary Chroniclers who stop there, but Bower adds, without giving any authority, "the Bastard, who was the eldest son of Malcolm, King of Scotland, the husband of S. Margaret." A comparison of Bower's account with those of Benedictus Abbas and the Chron. de Mailros above, will show that it is taken from them, and amplified with particulars thrown in by Bower or Fordun from his general historical knowledge. Among these interpolations are the words, "Bastardi, qui fuit filius major Malcolmi," etc. This is evidently inserted as supplementary information considered necessary by Bower, from the form of words, "qui fuit filius major Malcolmi," etc., in which he gives the explanation. Had one of the contemporary Chroniclers asserted this, which they did not, they would not have given it in the form of an explanation, but would have merely added after Duncan "Bastardi filii majoris Malcolmi," etc. They did not do this, because everybody knew at the time of the events who this Duncan was.

SKENE (*Celtic Scotland*, pp. 434, 482) says, without citing any authority, that "This Duncan was son of Malcolm Canmore, by Ingibjorg, widow of Thorfinn, Earl of Orkney." As Thorfinn died in 1069, and Malcolm married Margaret in 1070, Duncan can only have been twenty-two or twenty-three years old when he came to the throne, and in consequence of the vicious life he was leading, the

nation rose against him, and he was murdered in 1094. "He married Ochtreda, sister and heir of Waldieve, son of Alan, son of Waldieve, first Lord of Allerdale, son of Gospatric, Earl of Dunbar," (Nicholson and Burn, *Hist. of Westmoreland and Cumbd.*, 1787, 4to, Vol. II., p. 8) and by her had a son William, known as William *Fitz-Duncan*, who married [as I shall show, as a second wife] Aeliz de Rumeili, and in her right became Lord of Skipton Castle, Yorkshire, where he lived for many years after 1120, and was the father of William de Rumeili the Boy of Egremont.

The learned Skene (*Celtic Scotland*, I., 478) says:—"This (Macwilliam) was Donald Ban, who called himself the son of William Fitz-Duncan, and claimed the throne as lineal heir of Duncan, the eldest son of Malcolm Ceannmor, who had been himself King of Scotland." Skene cites no authority, but we see that this statement is taken from Bower, as above, and is not a complete statement of Donald Bane's claim, which was founded on the rights of both his parents. Skene cites (p. 477, note) from Dugdale (*Monasticon*) a charter [*Carta*, No. IV., Dugd., Vol. VI., Pt. I., p. 203, "Turstino *Eborum Archiepiscopo* Willielmus Filius Dunecani nepos regis Scotiae, Salutem. Notum sit . . . quod ego et Aeliz de Rumeili uxor mea dedimus," etc. . . . 'William Fitz-Duncan, nephew of the King of Scotland,' etc.] which William Fitz-Duncan, with his wife Alice de Rumeli, grants between 1120 and

1140; and a subsequent charter [No. V.], granted by Alice (who survived him) and witnessed by her son, the Boy of Egremont ['His testibus, Wil. filio meo de Egremont,' etc.], in 1151, who must have been born between 1130 and 1140; and adds:—"Donald Ban, if really a son, *was either born of a previous marriage with a native Scotch woman, or was a Bastard.*"

William Fitz-Duncan and William, the father of Donald Bane (MacWilliam) are described in contemporary documents in indentically the same terms. To compare with the Chronicles cited above, I give extracts from two Charters relating to the Abbey of Holmcultum, in Cumberland (No. LXVI., Dugd. *Mon.* V. 609), 'Carta Aliciae de Romelie,' etc., in granting which she describes herself in the first person as 'Alicia de Rumelie filia Willelmi filii Donecani,' daughter of William Fitz-Duncan. (No. LXXVIII., *Ib.*, 612) 'Pax inter Hugonem,' etc., 'et Robertum Abbatem de Holmcultum,' describes her as 'Alicia de Romelye filia Willielmi filii Duncani.'

The Chroniclers say, that Donald Bane was "filius Willelmi filii Dunecan," and that he said he was sprung from the Royal Stock, and claimed the Kingdom *in the right of his parents* (de jure parentum) *i.e.*, of both his parents, but they do not say how he was descended on his mother's side, or by what line of descent he claimed the crown further back than his grandfather Duncan; of his mother they say

nothing. Now Walter of Coventry, under the year 1212 throws an important light upon this line of descent. Writing of Gothred, son of Donald Bane Macwilliam, he says : “*Erat hic de Scottorum regum antiquâ prosapiâ, qui Scottorum et Hibernensium fretus auxilio, longas contra modernos reges, sicut et pater suus Duvenaldus nunc clam nunc palam exercuit inimicitias,*”¹—where ‘*antiquâ*’ is used in opposition to ‘*modernos*’ to denote the old order of succession in opposition to the, at that time, modern or new succession, which we have explained above in Chap. II., ‘Donald Bane’s Title.’ The contention here is that Gothred, like his father, claimed under his descent through the line of Donald Bane, the champion of the old succession, in opposition to the then reigning line, the ‘modern Kings,’ the descendants of Malcolm, the champion of the new.

We now come to the surnames. *Bane* was a surname. Surnames came into use in Scotland in the time of Donald Bane. Macwilliam’s name was Donald Bane ; his sons were Gothred and Donald Bane. He was accompanied by a (?) brother named Macbane. Therefore, Bane was the family name, *Macwilliam* a Patronymic given by the Gaels—as says Hoveden, a contemporary, “quem Scotti nominabant *Macwilliam*.” Therefore, as “Duvenaldus filius Willelmi filii Dunecan” of Hoveden meant Donald Bane, Macwilliam,

¹ *Note.* For translation see below, p. 38.



i.e., son of William Fitz Duncan, the surname of Bane must have been that of his mother. These Banes did not belong to the mainland, but to the Isles from whence 'invited by the Thanes of Ross' they invaded Scotland. Donald Bane Macwilliam, is described as Sylvester, *i.e.*, a wild man, and did not bear the surname of his father, Fitz Duncan, any more than Fitz Duncan's children by Alice de Rumeili, who took their mother's name. Therefore, as Macwilliam's name was Donald Bane, and his brother's MacBane, and as he claimed the crown in the right of *both parents*, and as Fitz Duncan's children by Alice de Rumeili took their mother's name, the logical conclusion is that Donald Bane Macwilliam's mother's name was Bane, and that she was daughter or granddaughter of Donald Bane. I have not a doubt that this is a correct solution of the difficulty, and that Donald Bane Macwilliam claimed the throne in the right of his descent both from Duncan and Donald Bane.

§ 4. RISING IN FAVOUR OF GOTHRED MACWILLIAM
(DONALD BANE), SON OF DONALD BANE MACWILLIAM.

In the year after the return of King Richard I. [which would be 1194], William the Lion sent an army against Gothred Macwilliam, according to Major (cap. VI.), and in 1211, according to Fordun (cap. XXVII.), Guthred, son of Macwilliam, came about the Lord's Epiphany (6 Jan.) by the advice it is said of the Thanes of Ross, out of Ireland into that District, but was killed and hung up by the feet.

The *Chron. Lanercost* agrees in the year, as does Bellen-den) Fo. L., lxxxxv.), who says, "rais in Caithness gret trubyll. For Gothred, son of *Makculzem*," etc. Walter of Coventry makes it 1212, and adds:—"Erat hic de Scottorum regum antiquâ prosapiâ," "he was of the ancient lineage of the Scottish Kings, and relying on the aid of the Scots and Irish, waged long wars, now secretly, now openly, against the modern Kings, as his father, Donald, had done before him."

§ 5. RISING IN FAVOUR OF DONALD BANE MACWILLIAM,
BROTHER OF GOTHRED.

The accession of Alexander II. as King of Scotland in 1214, at the youthful age of sixteen, gave the *Donald Bane* family another chance, and they again seized the opportunity to regain the crown. Thus we find in a contemporary chronicle, *Cronica. de Mailros*, 1215, "Intraverunt in Moreviam hostes Domini Regis Scotiæ, scilicet *Dovenaldus* filius *Macwillielmi* et *Kennaumacaht*, et filius cujusdam regis Hiberniæ, cum turbâ malignantium copiosâ. In quos irruens, Machentagar hostes regis valide prostravit, quorum capita detruncavit, et novo regi nova munera præsentavit xvii. Kal Julii, propter quod Dominus rex novum militem ipsum ordinavit." "Enemies of the King of Scotland entered Moray, viz.: *Donald* [*Bane*], son of *Macwilliam* (Donald Bane), and *Kenneth Maceth*, and the son of a certain King of Ireland, with a large force of malignants.



Charging whom, *Machentagar* completely overthrew the enemies of the king, whose heads he cut off, and presented them as new presents to the new king, on the 15th June, 1215, wherefore the king made him a new knight.'

Thus perished the last Donald of the Bane family who tried to recover the crown of Scotland, which they claimed under the old succession, or Tanistry. Of course they did not recognize William Rufus's right to depose *Donald Bane* by the strong hand, when he held in their view a clear title under the law of Tanistry. This word has wider meanings, especially in Ireland, but space restricts me to that affecting Donald Bane's title. We can but admire the undying spirit which enabled the Banes to maintain an unequal fight against several successive Scotch kings for the long period of 118 years from the deposition of Donald Bane in 1097.

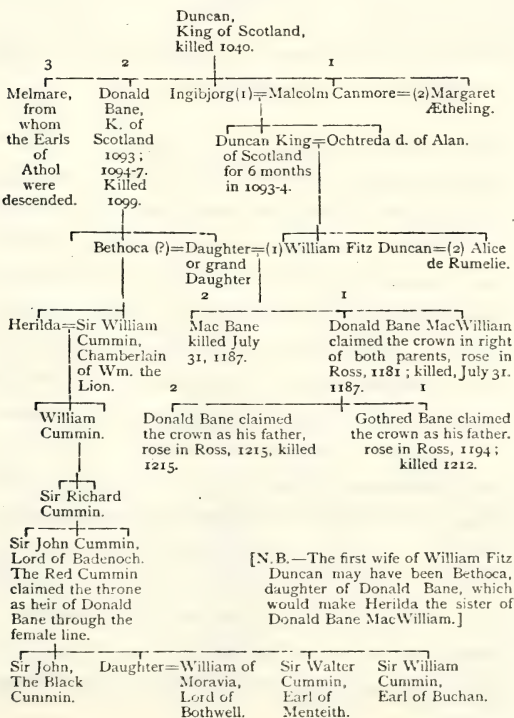
I may here mention that W. Betham in his *Baronetage of England*, vol. 5, 1805, 4to., p. 453, says: "The extinction of this family in Scotland has been ascribed, traditionally, to continued emigrations during the various commotions occasioned by the competition for the crown of that kingdom."

§ 6. DONALD BANE'S DESCENDANTS IN SCOTLAND.

A pedigree given in *Royal Genealogies*, (Jas. Anderson, London, 1732, Fol.) Table D. III., p. 758, "Donald Bane died 1098." "Bethoca his daughter" [had a daughter]

"Herilda wife of Sir William Cummin, Chamberlain of King William," etc., evidently drawn from Buchanan.

I here give in tabular form a pedigree showing all the descendants known in Scotland, down to the children of Sir John Cummin, the Competitor.



CHAPTER V.

STATE AND OWNERSHIP OF NIDDERDALE IN 1097 AND
1182.

We may just glance at the state and ownership of the upper part of Nidderdale at the dates of the traditional migration of Donald Bane, 1097, and of the migration ascribed to Walter in the pedigree, 1182. There is no mention of the upper part of the dale in Domesday Book (completed 1086), and no evidence to show whether it had been depopulated and laid waste when William I. harried the north. Mr. Grainge says:—"Neither Stonebeck Up nor Fountains Earth are mentioned in any form in the survey; and with the exception of the Archbishop's Lands . . . the others are all returned as waste; a melancholy proof that even the remote situation of this valley had not saved it from the rapacity of the Norman soldiery." (*Nidderdale*, p. 9.)

In the time of William the Conqueror, Roger de Mowbray owned vast estates in the North of England, and was created Earl of Northumberland, but having risen against William

Rufus in 1088 he was beheaded, and his estates were confiscated to the Crown in that year. So that after 1088 the Mowbray lands were in the hands of William Rufus (Dugd. *Mon. Ang.* Ed. 1661 : Vol. II., p. 192). Henry I. granted the Mowbray lands to Nigel de Albini, who died in the reign of Stephen, and left them, including the whole of the upper part of Nidderdale to his son Roger de Mowbray, who was a minor in 1138, and who in 1143 founded the Abbey of Byland. Roger's grandson William de Mowbray, temp. king John [1199-1216], endowed it with the Forest of Midlesmore, west of the Nidd, now called Stonebeck Up and Stonebeck Down (Dugdale *Monast.* Ed. 1825, Vol. V., pp. 343, 346, 350). Roger himself gave the tract east of the Nidd, now called Fountains Earth, to Fountains Abbey.

Gaelic Words.

With regard to the story of the War Horse and Tom Taylor's Chamber, the name 'Tom Taylor' is an obvious corruption of the Gaelic name for 'a cave,' which is "Toll fo thalamh," literally 'hole under ground.' In modern Gaelic, *Talamh* (*pron.* táluv), though there is no *h* in the alphabet receives the aspirate after the preposition *fo*. (Macalpine's *Gaelic-Eng. Dic.*), but in ancient Gaelic (Erse) it would be dtalamh, in Irish ttalamh.

There are perhaps 50 Gaelic words and names of natural or other objects and places in the dale, but they certainly

belong to a far older period, forming as they do part of a widely spread dispersion of Gaelic dialect words and place-names throughout England, to say nothing of those which have become incorporated with the English language.

CHAPTER VI.

ON THE NAME OF BANE.

The earliest document that mentions the name of Bane, as applied to Donald Bane, is the Gaelic *Prophecy of St. Berchan* (A.D. 1094-7), written in Donald Bane's time, and this writes it *Domnall Ban*. The next is the Latin 'Tract relating to the English claims' which writes, in the genitive *Douenaldi Ban*. The Gaelic *Continuation of Tighernac*, 1099, calls him 'Domnall mac Donchada,' [Donald, son of Duncan] so also the Gaelic Annals of Innisfallen; the *Chron. of the Picts and Scots*, 1251, 'Donald mac Donchat;' while many of the Latin, the Anglo-Saxon Chron., etc., call him simply Donald.

The name of BANE appears in Fordun [died 1386] in the passage of the *Scotichronicon* given above. The *Cronica de Mailros*, under the years 1056 and 1093 [written subsequently to the year 1136], omits the name Bane, simply calling Donald Bane 'Duvenaldus' [1056] and 'Dovenaldus' [1093]. Major [born 1470, d. 1550] in *Historia Majoris Britannicæ* 'De Gestis Scotorum,' Lib. IV., c. 6, writes:—"Erant enim Malcolmo [in mistake for Duncano]

duo liberi, scilicet, *Malcolmus Canmore*, hoc est Malcolmus cum grandi capite, et *Donaldus Bane*." Buchanan [born 1506, d. 1582], *Rerum Scotticarum Historia*, Lib. VII., cap. xxiii., "Milcolumbo rebus humanis sublato, *Donaldus Banus* (hoc est, Albus) ejus frater," etc.

It will be noticed that the earlier writers—Fordun and Major—explain the name 'Canmore,' *Greathead*, but do not attempt to explain the name of *Bane*. The *Cronica de Mailros* omits it. Now if the explanation had been at all simple or obvious, that is, if it had been a Gaelic word, Fordun and Major would certainly have explained it, while they were explaining Canmore. But they left it unexplained. Buchanan, 500 years after Donald Bane's time, is the first to offer an explanation of it, and he explains it as albus, *white*. Henry, *Hist. of Britain*, Bk. III., ch. i. § i, accepts this explanation without question, while also following the English view of Donald Bane's title. "The surviving sons of Malcolm being young at the time of his death, and *the rules of succession to the crown in Scotland being still unsettled*, it was usurped by his brother Donald, surnamed *Baan* or *the White*." Skene and Rhys accept the same explanation by implication in writing the name "Donald Bân" (*Celtic Britain*, 1882, p. 198). Macalpine (*Dic.*) gives:—"Bân (pron. bànn) *adj.* pale, wan, white, fair-haired," but if the 'Bane' in the name 'Donald Bane' had been this word, Fordun would certainly not only not



have written it 'Bane,' but knowing its meaning he would have explained it. Moreover, 'Ban,' as far as I can ascertain, was not the word used in this sense but *Fionn*, thus 'Fingal' not 'Bangal,' 'Aed Finn' not 'Aed Ban.' Prof. Rhys writes:—"Then came Cinaeth" [Kenneth] "the son of Wredech, who had in 768 to give battle in Fortrenn to AED FINN or *the White*" (*Celtic Btn.*, p. 176). It may be found in hosts of other names. Similarly, Macpherson in a note on the poem of Fingal, Bk. I., explains, "*Fiona, a fair maid.*" (Ossian's Poems, second Ed., Vol. I., p. 212, 1796, 8vo.) Moreover the Gaelic *Duan Albanach*, written in 1070 (MS. *Roy. Ir. Acad.*, Dublin), has for 'Cusantin the fair' 'Cusantain *chain*,' and for 'Aodh of white flowers,' 'do Aodh *fhionn-scothach*.' The Gaelic *Prophecy of St. Berchan* (1094, 1097), written in Donald Bane's reign:—

"Two Kings after that over Alban
Both of them at mutual strife
Fion and *Dubh* together."

'*Fionn* is *Dubh* ema leith' where 'Fionn' and 'Dubh' mean *white* and *black*. It must be therefore confessed that Buchanan's explanation is to say the least doubtful.

The name of Bane occurs long before Donald Bane's time. Thus in the year 767, 'Bane Makedonald' (written in Stewart's Metrical Version of Boece *Banis Makdonald*, l. 30, 289), governor by the King's appointment of the island called Tire [Tiree], "caused himself to be proclaimed king of the same iles." (Bellenden, p. 119, b.)

Before considering the traditional sense, I will just notice another word which was freely used of warriors, the *Old Norsk* BANI, *Anglo-Saxon*, BANA, BONA, *Old High German* BANO, *occisor*, *intersector*, a *slayer*, murderer. Vigfusson (*Cleasby, Icel. Eng. Dic.*) cites, *fiögurra manna bana*," 'the slayer of four men'; and in 'Olaf the Saint's Saga,' c. cxxviii., I find that Asbjorn, the murderer of Thorer Sel, was therefore called Asbjorn *Selsbane* the *bane* or destroyer of Thorer Sel. In the Anglo-Saxon poem, "The fight at Maeldun" [Maldon, A.D. 991] "Forth then came Wistan, Thurstan's son, with the soldiers (*secgas* 'sodgers') fought: he was in the throng, *slayer* of three of them (*hyra threora bana*,"—but I cannot find that the epithet ever attached itself permanently to any one hero as a surname in Anglo-Saxon.

Coming now to the family interpretation of their own name, as expressed in the coat-of-arms of the Bayne and Baynes families, the crest, and from oral information, or what I may call the modern interpretation. The Shield bears a cross formed of two *shin-bones*. The crests vary. The *shin-bone* appears in some, but there is also a common form of crest, a hand holding a *jaw-bone*. Of course, the jaw-bone in the crest is to be referred to the Biblical legend of Samson (Judges, xv., 15), but the cross formed of *shin-bones* is usually explained as a *rebus* expressing the word 'Banes,' that is 'bones,' 'Bane' meaning 'bone' is an



old Norsk word BEINN (pron. Bane), *Swed.* and *Dan.* BEEN, BEN (pron. Bane), found also in German, BEIN (pron. Bine). It is a word peculiar to the Teutonic languages. It means generally 'bone,' *Lat.* OS., but in O. Norsk had a special sense, *Lat.* Crus, *the leg from the knee to the foot* (Vigfusson in Cleasby), 'ben nedan Knän,' *crus, the leg below the knees* (*Dic. Lat.-Svec. et Svec.-Lat.*, Schneidler, Stockh., 1733, 8vo), *Gaelic* 'cnaimh fra lurga' (Macalpine, *Gael. Dic.*), *Swed.* 'Been-kafle,' *the shin-bone*, (*Glossar. Svec. Gothicum*, H. Spiegel, Lond., 1712, 4to). I am, however, about to prove that the cross of bones had an entirely different origin, and had not at first that sense.

CHAPTER VII.

ON THE BAINES, BAYNES, AND BAYNE ARMS.

§ 1. GENERAL PREMISES RESPECTING
THE COAT OF ARMS.

The general description of the Bayne arms, is ‘two leg-bones in cross.’

I have not been able to find any arms of Malcolm or of Donald Bane, Kings of Scotland, in any of the numerous works on Heraldry that I have searched in the British Museum. It is fairly certain that the Scottish kings did not bear any at this time. Such was the opinion of the learned Spelman¹, who after noting that Buchanan (*Hist.*) would deduce them from Achajus who had made a treaty with Charlemagne, adds :—“ But it seems to me more probable that the King of Scotland procured for himself this kind of heraldic shield when other neighbouring princes also adopted the same.” On the above passage Joannes Schefferus in a work of great research, entitled *De Antiquis*

¹ *Aspilogia*, p. 40.

Sveciæ Insignibus, Holmiæ [Stockholm], 1688, 4to, p. 25, remarks:—"He does not mean that the Scots used any arms of the kingdom before all others, or even immediately with others, but that they at last formed them for themselves when they saw them to be in use among other neighbouring nations." Now the *insigne* or ensign of Scotland is the Red Lion, which was first adopted by William the Lion, about the same time that the Lion was adopted by Richard I. of England, hence called Richard Cœur de Lion.

Thus Spelman says:—"That Richard was the first among the Kings of England to use the Lion as an heraldic bearing on his shield, is suggested by the fact that the cognomen *Cor Leonis* was given to him before all others, being probably derived from the picture on his shield." But he calls in question the arms of the Anglo-Saxon Kings, averring that neither they, nor William the Conqueror, nor Will. Rufus bore any arms (*Aspilogia*, p. 42), though William the Conqueror is often represented with two lions on his shield. The Lion had been long before brought from Africa by the Goths or Vandals, and was from them adopted by the Germans, Danes, Swedes, and in Norway first by Magnus Barefoot, from whom, as Lord of the Isles, William the Lion, who recovered the Isles, probably adopted it (though Magnus had been dead for 62 years) in the right of that conquest.

Both the Norwegian and Scotch Lions are rampant, but with this difference: "King Magnus had a *red shield in which was inlaid a gilded lion*; . . . and a *red silk short cloak* over his coat, on which, both before and behind, was embroidered a lion in *yellow silk*." 'King Magnus was ten years King of Norway' [1094—1103] (*Magnus Barefoot's Saga*, c. xxvi.); whereas the King of Scotland "Portat duplicem tractum cum floribus gladioli contra positis et uno leone rapaci *de rubio in campo aureo*," 'bears a double bordure with opposite lily flowers, and a rampant lion *in red in a golden field*. (Upton, *De Militari Officio*, Lib. IV., p. 211, Lond. 1654, fol.) But whose ensign was the Red Lion indicated by Boece, as being borne by Edgar's army when Donald Bane (See p. 19 above)

. . . "Saw appearand in his sicht
Sanct Cudbertis baner borne so high on hicht,
And the reid lyon all in gold so reid"?

(*Buik of the Cronicles of Scotland*, II., 41,645-41,647.)
A woodcut of St. Cuthbert's Cross is given in p. 143 of Palgrave's *Hist. of the Anglo-Saxons* (Lond., Murray, 1831, 12mo). In form it is the *Crux Patens* of Upton (*De Militari Officio*, Lib. IV. p. 211), which is now generally known by the name of the Maltese Cross. In a note on p. 124 Palgrave gives its history:—"In 1827, a skeleton, supposed to be that of St. Cuthbert, was disinterred [in Durham Cathedral] by the Rev. James Raine. The body had been deposited

with some most curious relics of the Anglo-Saxon age—amongst them the Cross engraved.” In *Tonge’s Visitation*, the first of the *Visitations* of Herald’s College, commenced 7th August, 1530 (which is published by the *Surtees Society*, vol. xli.), the arms of the Monastery of Durham are thus figured and described (*Surtees Society*, p. 31): “Arms, azure, a cross patonce, or, between four lions rampant, argent.” The cross figured is the *Crux Florida* of Upton (loc. cit. p. 214) and the *cross patonce* of the Heralds. The colours do not agree with those described by Boece, whence it appears that the ‘Sanct Cudbertis baner’ above is not truly represented by the arms of Durham. At Nostell, however, the colours do correspond. In the same Visitation these are figured and described. In the figure the cross is a plain cross, the *crux aequalis* of Upton (p. 211) and reaches to the edge of the shield both ways. The arms are thus described: “Arms, ‘Saint Oswald’ gules, a cross between four lions rampant, or,” and there is a note beneath the shield “These be the armes of St. Oswald—and the armes of the Monastery of St. Oswald by cause the Monastery ys edified of hym.” The fig. of St. Oswald’s banner may be seen in *Surtees Soc.*, Ed. of *Tonge’s Visit.*, vol. xli., p. 78.

Tonge also mentions a second shield at Nostell. “England, with a label azure charged with nine Fleurs de lis, or. Impalement, or, a lion rampant, purpure.” That is ‘the

red lion all in gold so reid,' and its import to the army of Donald Bane was that the powers of England and of the Church of Rome were united against them.

It is curious and interesting for us to be able to look upon the cross which carried terror to the heart of Donald Bane's army. St. Cuthbert's cross resembles, even in the curved interior lines, that borne on the Standard at the battle of the Standard, 1138, of which last two illustrations are here reproduced from Ælfred's *Historia de bello Standardi*, and that very rare work, Fisher's *Masham and Mashamshire*, p. 72. (London, Simpkin, Marshall; Ripon, W. Harrison, 1865, 8vo.)

A word about the Cross. All varieties of heraldic crosses will be found figured in Upton *De Militari Officio*, Lib. IV. The *crux æqualis*, *i.e.*, a cross with equal limbs, had been generally imposed upon all European countries which, by adopting Christianity through the missionaries of the Pope, had acknowledged his supremacy. It displaced certain older *insignia*, notably the serpent of the Scandinavians,² and while it was used by itself denoted Church and State. After each king succeeded in asserting the independence of the Temporal Power as against the Spiritual Power, it was

² On a coin of Constantine the Great, who transferred the Seat of Government from Rome to Byzantium, A.D. 330, and first introduced Christianity, may be seen the legend "Constantinus Max. Aug.," (p. 20. Spelman's *Aspilogia*); and on it the Christian Standard, with the legend "Spes Public." bearing at its summit the monogram $\begin{smallmatrix} P \\ X \end{smallmatrix}$ ("Chr") is shown planted on the serpent.

either displaced altogether, as by the Lion (generally adopted from the Goths), or existed side by side with the Temporal Ensign, as on a stone built in the wall by the N.W. door of Holm Cultram abbey (Dug. *Mon.*, V., Plate, p. 593) and as in Sweden, where two tablets (engraved in Schefferus, Tab. c. Fig. 15) side by side on the Archiepiscopal palace at Upsala bear severally a shield with the square cross between two lions, the arms of the Church; and a shield with three crowns between two lions, the arms of Sweden at that date. The 'Crux patens' in this country has been relegated to the Regalia, surmounting the bauble, the sceptre, and the royal crown. The cross was first adopted in Norway, by Olaf the Saint, in whose Saga, c. xlvii., we read of "white shields on which the holy cross was gilt;" and again in c. ccxxv., 'Olaf had in one hand a white shield on which the holy cross was inlaid in gold.' This was at the beginning of the eleventh century.

It has been much canvassed whether the cross of the Anglo-Saxon kings was a national *insigne* or a mere private *signum*, or whether they ever bore it at all. From a knowledge of its Papal origin it would seem as though it was a national ensign to denote the spiritual and temporal subjection of the country to the Pope of Rome. Why otherwise should the very ancient square cross, cut in the face of the Chalk Downs on Bledlow Hill, one of the Chiltern Hills, have been cut at all? This was probably

done by Egbert, the first English King—who is stated by Berry (*Encyclopædia Heraldica*, 1828, Vol. II., *Dictionary of Arms*) to have borne the square cross, and was King of Wessex, before he made himself King of all England—in the attempt to put out the White Horse of the Saxons. Bledlow Hill is conspicuous from a large portion of Wessex. Suffice to prove that the Cross had an Ecclesiastical origin.

§ 2. ON THE ORIGIN OF THE CROSS OF BONES ARRANGED VERTICALLY AND HORIZONTALLY, *alias* IN PALE AND IN FESS: AND THE IMPORTANT RESULTS THAT FLOW FROM IT.

The account of the origin of the device of the square cross, formed of Shin-bones arranged in pale and in fess, not only explains the origin of the families who bear the names of Baines, Baynes, Bayne (of Kent, Cheshire, Lancashire, Somerset, Dorset, etc.), into which it is impossible to enter within the limits of the present volume, but also that of the family of BAYNE of *Nidderdale*, *Grewelthorpe*, *Kilburn*, and their allies. It is necessary, therefore, to give some account of the parent Stock, the great Norman and Anglo-Norman Baronial family with one of whose Barons, HUGO DE BAIUS, or de BAIOCIS (*i.e.* of Bayeux) the crossbones originated.

According to *Ordericus Vitalis*, RANULPH DE BAYEUX was one of the Proceres [Nobles] of Normandy, in 1050 in rebellion against Duke William. According to the *Battle*

Abbey Roll (Duchess of Cleveland, 3 Vols., 1889, 8vo), one of the name BAIIOUS, written BAYOUS in Duchesne's copy, fought at the Battle of Hastings (Vol. 1, 114). Whether this was the above Ranulph or no, the castle of Bayeux was apparently forfeited by the above rebellion, as it was given by Duke William, after he conquered England, to Roger de Mowbray, whom he created Earl of Northumberland. THOMAS DE BAYEUX was the first Norman Archbishop of York, 1070-1100. The account of him and his connections I take from Francis Drake. (*Eboracum*, London, 1736, Fol.)

25th Archbishop of York, 1070-1100

(p. 413). 'The See vacant, the Conqueror appointed one THOMAS his chaplain, a Norman and Canon of Bayeux, to fill the chair. Thomas, though but a Canon, was very rich and assisted the Duke in his enterprise against England with all his fortune. For which he promised him a bishoprick if he succeeded, and paid him with York. Goodwin writes that he was the son of a married priest.'

27th Archbishop, 1108-1114.

(p. 415). 'THOMAS, the second of that name, and Chaplain to King Henry I., succeeded. He was nephew to the former Thomas, son unto SAMPSON, Bishop of Worcester, and brother to RICHARD, Bishop of Bayeux. (p. 416). He was called from the Provostship of Beverley to the See of London, then vacant by the death of Mauritius; and had



just accepted of it when York falling too he was translated to that See and consecrated June 26, A.⁹ 1109. He died Feb. 16, 1114, and was *bur.* in the Cathedral next his uncle.'

Then we find that in the reign of Henry II., two hides of land in *Maidwell*, co. Northampton, of the fee of RANULPH DE BAIEUX, were in the hands of [Richard] Rabas (Bridge's *History of Northamptonshire*, II., 45). In the same reign the same RANULPH DE BAIOCIS, or de Baius, had vast possessions in Lincolnshire, "whereof five Knights' Fees were held of him by Peter de Gousla (*alias* Gousel), who towards the end of Henry II. founded the first Premonstratensian Abbey in England, by name Newhus," (*Dugdale*) to which Ranulph de Baius and his son Hugo de Baiocis, or de Baius, were benefactors (*Battle Abbey Roll*, Duchess of Cleveland, 1, 114), "unto that Abbey this RANULPH became a benefactor (*Mon. Ang.*, 1661, Vol. II., 590 b, 60) by the grant of an oxgang of land in Raburne, and married (*Ib.*) Margaret, daughter of Alan de Lincoln (an eminent Baron in those parts), by whom he had issue four sons (*Ib.* 589, 40), HUGH, ALAN, WILLIAM (*Ib.* 791 b, 30), and ROBERT. Which Margaret in the life-time of her husband vowed chastity for the cause of religion." (*Ib.* 791 b, 2.) (*Dugdale Baronage*, I., 573).

"In 12 Henry II. [1165-6], upon the Aid for marrying the King's daughter (*Lib. Rub.*, of the Exchequer s. v.

Lincoln, Dugdale), this HUGH certified the Knight's Fees he then held to be in number $14\frac{1}{4}$, whereof $9\frac{3}{4}$ were *de veteri feoffamento* [of ancient grant in fee], for all which in 14 Henry II. he paid $xi\text{ }l. \text{ v }s. \text{ x }d.$ In 2 Richard I. [1190-1] he answered $8\text{ }l. \text{ 9 }s.$ upon the Scutage [Knight's Service, or service of the shield] of Wales (*Pipe Rolls*, 2 Richard I., Lincs.), and in 8 Richard I. [1196-7] $16\text{ }l. \text{ 8 }s.$ upon levying the 3rd scutage of Normandy." (*Pipe Rolls*, 8 Richard I., Lincs. : Dugdale *Bar.* I. 573.)

Dugdale is not quite accurate as to 14 Henry II. The *Pipe Rolls* from 5 Henry II. [1158-9] to 17 Henry II. [1170-71] have been published by the *Pipe Roll Society* (Vols. I to 16).

HUGO DE BALOCIS appears under 'Lincol'scr' in 8 Henry II. [1161-2] when he pays scutage 20 marks into the Treasury (Rot. 2, mem. 2 in dorso); 11 Henry II. [1164-5] when he pays 20*l.* (Rot. 5, mem. 2); 14 Henry II. [1167-8] when he accounts for $xl\text{ }l. \text{ 5 }s. \text{ 10 }d.$ *pro milite* on the Aid for marrying the King's daughter, pays into the treasury 105*s.* 10*d.*, and owes 6*l.* of the Ancient grant in Fee, and 61*s.* of the new (Rot. 5, mem. 2); 15 Henry II. [1168-9] on the same Aid, when he owes the same items (Rot. 1, mem. 1, in dorso); 16 Henry II. [1169-70] on the same 'Aid,' when he pays the 6*l.* *de veteri feoffamento* (Rot. 8, mem. 1, in dorso); and 17 Henry II. [1170-71] on the same 'Aid,' when he still owes the 16*s.* *de novo feoffamento*.

Now, this HUGO DE BAIOCIS, or DE BAIUS, has left two seals, on the second of which, the device of *the cross-bones in pale and fess* first appears. Hugo died late in the reign of Richard I. [1189-99], and the second seal was struck in that reign (*Seals Catalogue*, British Museum), shortly before his death. To start from the beginning, I will first describe his first seal, which we may distinguish as his War Seal, on which the crossbones are not.

This is attached to the following charter, and is about two and three quarters inches diameter when perfect :—

Cunctis Christi fidelibus hugo de bajocjs salutem. Notum sit fidelibus Christi quod concessi et dedi ex meâ parte Sanctimonialibus quae deo Serviunt Sempingham totam terram quam Rogerus filius Goceljn habuit in Sempingham et bilingbur cum omnibus pertinentiis suis in villâ et extra villam liberam et quietam ab omni exactione et seculari servicio. Et hoc feci prece ipsius Rogeri et heredum ejus. Nam ipse rogerus acquietabit predictam terram de servicio unius militis quod debebat mihi de illâ terra, et heredes ejus qui totam alteram terram suam habent quam de me tenuit. Et de hoc me fecerit securum. hujus donationis mee quam dedi ejs inperpetuam eleemosinam prece ipsius Rogeri, Testes sunt ACARDUS avunculus meus, Et ALANUS, WILLIELMUS, ROBERTUS fratres mei, Aemens capellanus meus, SUPRIUS DE BAIOCIS, Ace de Selvianecto (Senlis), Wigot de brancewelle, Robertus crecht, Petrus de Gousles, Jurdanus de herelingen, Galfrid de Wittale, Jvo de Marisco, et multi alii. —(*Harl.*, 55, F. 20).

Dugdale (*Mon. Ang.* ed. 1825, Vol. VI., 947,) has given another version of this charter, taken “Ex originali in officio armorum,” which I suppose to mean the College of Arms.³ He gives the word ‘apud’ before ‘Sempringham,’ ‘aliâ’ correctly where the above gives ‘alteram,’ and

³ Dr. George W. Marshall, Rouge Croix, writes: ‘That is so.’

writes 'Sylvanecto,' 'Gousla,' and 'Ivo de marisco,' correctly, but does not mention any *Seal*. The Charter is not dated, but "Peter de Gousla, of Newsham, etc., co. Linc." has left a seal attached to a "Charter, *circ.* 1150" (*Harl. Ch.*, 50, H. 58. *Seals Catalogue*, II., 300, B.M.), and as we have seen founded Newhouse Abbey late in the reign of Henry II. [1154-1189], under which reign his Seal is classed in the *Seals Catalogue*, B.M. The present Seal of Hugo de Baiocis represents a Warrior, charging with a brandished long sword, and long convex shield, of which only the upper half of the dexter side is visible, without arms, but with central spike, on a horse at full gallop,⁴ out of the field. The Warrior is clad in hauberk of mail, surcoat, and conical helmet with nasal. Round the seal is the legend, + SIG * * * UM HUGO : DE * * * ocis. [See Plate 1., Fig. 1.] The long space between the DE and the B of Baiocis was evidently occupied by the tail and hind legs of the charger.

The second Seal of Hugo de Baiocis, or de Baius, is attached to the following Charter, and, though not quite

⁴ Christopher W. Baynes, Esq., acutely suggests that this Seal originated the story of the War horse, for which see pp. 3 and 22 above. I now recall and cancel that portion of the paragraph on p. 22, in which the War horse is mentioned, as far as regards the words: "but was driven South to Nidderdale in full armour on his War horse and sheltered in Tom Taylor's Chamber at first, but after a residence of two years," which should have been deleted, but unfortunately that sheet was printed off before the Seal of Hugo de Baius was discovered.

round, is about two and a half inches diameter, when perfect :—

HUGO DE BAIUS cleris laiecis francis Anglis omnibusque suis bonis hominibus que [sic] Salutem. Notum sit vobis me dedisse et concessisse in feudo et hereditate Roberto Rabacio et suis heredibus dimidium feudum unius militis, scilicet in *Medewella* et in *Chailemers* [*Maidwell* and *Kelmarsh*, co. Northampton] quod Ricardus filius bernardi pater ejus et idem Robertus Rabacius tenuerunt de patre meo *Rannulfo*, faciendo idem servicium quod ipse pater ejus patri meo Rannulfo facere solebat. Et volo ut illam terram teneat quam melius atque liberior ipse et pater ejus de patre meo rannulfo tenuerunt quo ad usque perfecerim ei plenarie secundum cuidam militis. Sciatis etiam pro concessu et recognitione predictae terre se facturum in unam percam in muro castelli *Welleburnie* [Wellbourn, near Grantham]. Teste Colegrimo sacerdote, berewaldo Sacerdote, Atone de Sancto Luca. SUPERIO DE BAIUS (or de Banis), MARTINO fratre ejus, Roberto de Chaeres, herberto de Sancto loco Gorone, Rogero de punchardun, Wigoto de brancewella, Willielmo Gillinello, Anfrido, Roberto deba[iocis?], Willielmo desarta, Rogero pharaone, Osberto dechaâ [?], et aliis multis.—(British Museum, *Addit. Charters*, 6038.)

Superius de Baiocis, Wigot de Brancewelle, and Robert Crecht of the first Charter, if he be the same person as Robert de Chaeres of the second, are witnesses to both Charters. Therefore they were not far apart in date, and this Seal, which we may call the Seal of Peace of Hugo de Baius, is as we have seen of the early part of the reign of Richard I., or *circa* 1190.

It is important to note that in the MS. *Index of Seals*, and in the MS. *Catalogue of Additional Charters*, at the British Museum, the name BAIUS is written as misread BAINS in the references to 6038. We shall see that to

such misreadings, from the very earliest times to the present day, the name of BAINS, however spelt, partly owes its origin.

The Seal (Plate 1, fig. 2) bears an animal resembling a horse, but in the attitude and with the appendages of an *Agnus Dei*, standing with the off fore-leg held up, and supporting on the hoof a banner per saltire, with three streamers: and a nimbus round the head, containing the crux patens. Above the top of the banner-pole, in the position occupied by the crux patens on the Standard at the Battle of the Standard, is the veritable cross made of two shin-bones arranged in pale and in fess, which has for centuries constituted the well-known coat-of-arms of several families of the names of Baines, Baynes, and Bayne. If the indications of the Seal are to be trusted, the bone in pale is surmounted of that in fesse. The larger lobe is on the right-hand side, as viewed, or what would be the sinister side on a shield, at the upper end of the bone in pale, and on the left-hand side as viewed, or the dexter side on a shield, at the lower end of the bone in pale. The larger lobe is not very clearly defined at the left extremity, as viewed, or the dexter end heraldically, of the bone in fesse, but seems to be on the lower side; and is clearly defined on the upper side at the right extremity, as viewed, or the sinister end heraldically, of the bone in fesse.

The Seal bears a legend round the edge, SIGI * LVM



Fig. 1



Fig. 2

Lucas's Bayne of Middordale.

LUCAS'S BAYNE OF NIDDERDALE.

EXPLANATION OF PLATE I., VOL. I.

Fig. 1. Seal of RADULPHUS DE BAYEUX from a plaster cast by Mr. A. P. Ready of the British Museum. Attached to Charter *Harl.* 45, F. 18, in or before 1147. See also Preface and p. 57, where he is called Rantulph.

Legend.—AGN[US] SOLETUR MESTOS CEDO. That the Lamb may console me I give while I am filled with the good things of this earth.

Fig. 2. Seal of HUGO DE BAYEUX, son and heir of the above. The *Crux Patens* on the above seal is replaced on the present seal by the cross-bones. From a plaster cast by Mr. Ready. Attached to Charter B.M., *Addit.* 6038. (See pp. 60-63).

Fig. 3. Equestrian seal of HUGO DE BAYEUX, from a plaster cast by Mr. Ready. Attached to Charter *Harl.* 55, F. 20. (See p. 59).

Fig. 4. Seal of WILL BAYN, 1371, from a plaster cast by Mr. Ready. Attached to Charter, B.M., 10570 (*Seals Cat.*). (See p. 84).



Fig. 3



Fig. 4

Lucas's Bayre. of Middelstein.



HUGON * * DE BAIOCIS. In the name 'Baiocis' part of the C is chipped off, and the whole of the I, but a depression can be traced in the wax beneath the place where the I has been, even in the scar.

Above the first-described cross of bones, there is a similar cross of bones in the margin, in the position occupied by the square cross, or *crux æqualis*, in the margin on the earlier or War Seal, between the words 'Baiocis' and 'Sigillum'; but somewhat smaller than the one above the Standard borne by the *Agnus Dei*. This marginal cross is clearly defined at the dexter end heraldically speaking of the bone in fess, and shows a lobe on the lower side only. The bone in fess is perfect, but the upper half of that in pale is chipped off. In other respects what is left of it corresponds with the larger cross.

This cross of bones corresponds absolutely in every detail of outline with the form which I have below called the *Cumberland* type, except as regards the lobes at the extremities of the bone in fesse, in which the arrangement is identical with those of the fesse-bone in what I have called the *Scotch type* below. This Seal cannot be called an heraldic seal, and on that account is not classed with the heraldic seals and coats-of-arms that follow, but it is the original and parent of them all. It raises the whole question of the origin of families of BAYNES and BAYNE, however spelt, and this question must now be dealt with.



An interval of 460 years elapses before I have again met with this same cross of bones, when it appears in Guillim, 1st Ed., 1610, as a coat-of-arms belonging to a family whose name is spelt BAINES. The name of Bains is a corruption of Baius, wherein three strokes exactly resembling each other, and without any dot to indicate which was the i, are written between the 'a' and 's'. So that the name has been read BAIUS, BAINS, BANIS, BAYOUS, BAYONS, BAYEUS, BAYENS; Baynes by transliteration of the last.

The remarkable point is that at or about the same date as the *Cumberland type* appears in Guillim, 1610, the very same figure, reversed and turned so as to form the *Scotch type*, appears in Scotland as the coat-of-arms of a family of the name of BAYNE. Later in the same century it is found as the coat-of-arms of families of the name of BAYNE, at *Grewelthorpe* and *Kilburn* in Yorkshire, of whom this work especially treats. It was also borne by SIR THOMAS BAINES, or Baynes, whose name is frequently spelt BAINE, and by several families of Baines, and Baynes in Yorkshire, e.g., Mewith Head, Skipton, Knostrop, Bell Hall. The Kilburn branch not only took the arms, but changed their name from Bayne to Baynes.

As those of the name of BAYNE in Yorkshire who bore these arms lived two and a half centuries nearer to the time of HUGO DE BAIIOUS than our own, and at a time when the assumption of arms was most rigorously challenged, some

weight must be allowed to attach to that evidence of the blood-relationship so expressed. Nor is this all we have to consider. The first of the name of BANE, of whom I have hitherto been able to find any trace in Yorkshire, bore it with the Norman prefix 'de.' This was 'ADAM DE BANE,' who, with Henry Murdac, Archbishop of York, and others, witnessed a charter of Robert de Ros to Rievall Abbey, *circa* 1150 (Sloane MS., 4937, fo. 50). As, however, this MS. is only a *copy*, made by Francis Peck, A.M., in the year 1732, it cannot be accepted as evidence, as from what follows I cannot doubt that BANE is here a misreading of BAUE, an egregious spelling of BAYEUX. I have only met with the form 'de Bane' once besides this instance, viz., in the epitaph of JAMES DE BANE, Bishop of St. Andrews, Scotland, 1328-1332. In 1331 he married David II. and his wife Johanna, daughter of Edward II., at Scone, but fled next year to Bruges, where he died 22nd September, 1332. His epitaph is in the Augustinian Monastery there: "Hic jacet bonae memoriae JACOBUS Dominus DE BANE Episcopus Sancti Andreae in Scocia, nostrae religionis, qui obiit xxii. die Sep. ann. Dom. Mccccxxii. Orate pro eo." (*Notes and Queries*, 4th Ser. II., 1868, p. 38). Nor was the 'de' dropped by all the families of Bayne in Yorkshire till the sixteenth century, at least, we find in the will of Robert Willughby de Usflete, dated 27th May, 1521: 'And to my sister MARGRETE OF BAYNE, I wite xls.' (Surtees Society,

Test. Ebor., Vol. for 1836, p. 41). Moreover, we find in Kent, in the *Hundred Rolls*, 1276, an eminent family, of which the following members are mentioned: 'THOMAS DE BAN, at *Stokgiffard*,' (*Hundred Rolls* II., 130); 'GALFRID BAN' (*Ib.* 541); 'HEREWARD BAN' (*Ib.* 549); 'RICARDUS BAN at Trumpiton' (*Ib.* 549); and 'WILLIAM DE BANUS, in the Hundred of Wetherle' (*Ib.* 554); and in Wills till the reign of Elizabeth, a succession of great landowners, presumably their descendants, in the name of BAINE and BAYNE.

I can only set forth these facts, without attempting, for want of the necessary evidence, to decide whether the families of DE BAN, or DE BANE, were of the great Norman Baronial Family of DE BAYEUS, from whom the existing families of the name of Baines, and Baynes (except where the 's' has been added on) are undoubtedly descended. Though I am reluctantly compelled to postpone the voluminous account of these, I think a pedigree of the connections of Rannulf and of his son Hugo de Baius will not be out of place here in concluding this brief notice. This pedigree is partly drawn from the two Charters given above, from which it appears that Ranulf had a brother named Acardus de Baius, probably the father of Supirius and Martinus, the witnesses to the second Charter, therefore both living *circa* 1190.

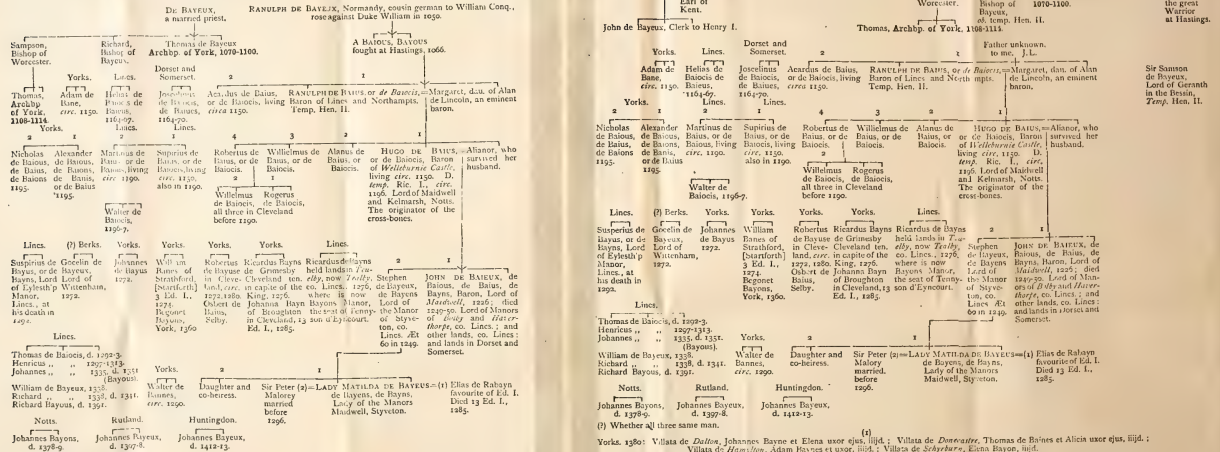
HUGO DE BAIUS died, as has been mentioned, in the

CHARLES THE SIMPLE, King of France, 898-923=uxor. Guion a noble of Denmark. BERENGARIUS, Earl of Bessin and Raudens=uxor.

CHARLES THE SIMPLE, King of France, 898-923=uxor. Guion a noble of Denmark. BERENGARIUS, Earl of Bessin and Raudens=uxor.

To face p. 67, Lucas's BAYNE OF NIDDERDALE.

Tabular View of the Baronial Norman and Anglo-Norman Family of BAYEUX, to the end of the 13th Cent., showing how the name became BAINS, BAINES, BANES, and BAYNES, in an English mouth.



(7) Whether all three same man.

(1) Whether all three same man.

(1)

Maria uxore. Villars de Daltre. Johannes Baum et Elena uxor eius. Ibid. : Villars de Duguesclerc. Thomas de Baiots et Alicia uxor eius. Ibid. :

(2) probably ancestors of Ralph Bayne, Bishop of Coventry and Lichfield.

July, 1897.

To face p. 67, Lucas's **BAYNE OF NIDDERDALE**.
of **BAYEUX**, to the end of the 13th Cent.,
1 **BAYNES**, in an English mouth.

ERENGARIUS Earl of Bessin and Baileulx=*uxor*.

—(2) **Popa**

ong- = **Sporta** dau. of & (2) **Asperling** a wealthy
of Hubert Earl of Norman
of Senlis

= **Richard I.** =
Duke of
Normandy

(1) **Agnes** dau. of
Hugh le Grand
Earl of Paris
Lord Abbot of Ger-
mains and father of
Hugh Capet King
of France.

Radulphus de Bayeux = *uxor*.
Earl of Bayeux,
Earl of Iureum
rose aga'st Duke
William, afterwards
William the Conq.,
in 1050.

no issue.

John de Bayeux, Archb.
of Rouen, probably the
Bayeus of the Battle
Abbey Rolls.

Dau. = **Osbern**
de Crepon.

win Emma =
Earl (1) **Ethelred**
ders. King of England.
Earl (2) **Canute**
King of England.

? the above **John**
DE BAYEUX,
a married priest.

Richard
Fitz-Samson
Bishop of
Bayeux,
ob. temp. Hen. II.
108-1114.

Thomas de Bayeux
Archbp. of York,
1070-1100.

William
Fitz-Osbern,
the great
Warrior
at Hastings.

Father unknown.
to me. J.L.

Baiecis, = **Margaret**, dau. of **Alan**
mpts. de Lincoln, an eminent
baron.

Sir Samson
de Bayeux,
Lord of Geranth

reign of Richard I., or *circa* 1196, when "Alianor, his widow, gave a fine of one Hundred Marks" [to the King] "that she might, with the consent of her friends, marry unto whom she liked best." (Dugdale, cited by Duchess of Cleveland, *Battle Abbey Roll*, 1889, 3 Vols., 8vo, I., 114).

"To this Hugh, succeeded JOHN, his son and heir, unto whom King Henry III., in the third year of his reign gave respite for the payment of 100*l.* of his Relief for the lands in *Welleburne*, *Lindewood*, *Kelesterne*, and *Kelesters*, descended to him by the death of his father." (Dugdale, *Bar.* I., 573). By Inquisition taken 10 Henry III. [1226], 'the part of *Maidwell* lordship, which in Henry II.'s time was held as we have seen by Richard Rabas from RANULPH DE BAIUS, was found to be in the hands of Robert Rabaz, who was certified to hold half a knight's fee there of JOHN DE BAIEUX, who held it *in capite* of the King. (*Fine*, 10 Henry III., MS. *Hatton*, cited by Bridge, *History of Northamptonshire*, II., 46). He (John) is mentioned in the *Pipe Rolls*, 15 Henry III.; 26 Henry III.; 29 Henry III., Lincolnshire; and 33 Henry III. [1249], in which he was found to die seized of lands in *Lyndewode*, *Thoreswaye*, *Styventune*, and *Keylesthorne*, co. Lincolnshire, then valued at 40*l.* 6*s.* 10*d.* per annum, which he then held *in capite* of the King by Barony. (Dugdale, *Bar.* I., 573). In the *Calend. Inquis. post mortem*, p. 7, this appears as 34



Henry III., No. 57. Besides the Lincolnshire fees, Wayeford', Edmundesham, and Lyme, in Dorset, are given.

JOHN DE BAIUS, son of Hugo de Baieux, was the last of the family that held the Barony. "By Fine 42 Henry III., Lincolnshire, it appeareth that this John de Bayeux...had two daughters and heirs, and that the King granted one in marriage to Elias de Rabayne." But "under colour of that grant this Elyas took the other daughter and carried her beyond the sea, to the intent that he might as well defraud the King of the custody of the moiety of that Barony, as the other co-heir of her inheritance. The King, therefore, sent his precepts to the Sheriffs of *Somerset*, *Dorset*, and *Lincolnshire*, that they should seize the lands of the said John de Baieux into their hands." (Dugdale, *Bar.*, I., 573).

In *Pipe Roll*, 33 Henry III. [1249], STEPHEN DE BAYS was found next heir and brother of John de Bayeux, the last baron, and 60 years of age. "Which Stephen was in such favour with the King that his Relief was wholly remitted, with command to the Sheriffs of Lincoln and Dorset to give him livery of his lands without payment thereof." (Dugdale, *Bar.*, I., 573).

STEPHEN DE BAYEUX seems to have lived to be 99, from his *Inquis. post mortem*, 16 Edward I. [1287-8], No. 39, which shows him to have died seized of the manors of Little Pydele, Edmundesham, Wayebaiocis, and Stotingway, co.



Dorset, which he inherited from his brother John, the last baron. (*Calend. Inquis. post mortem*, I., 96.)

Another STEPHANUS DE BAIOCIS, whose *Inquis. post mortem* is 9 Edward II. [1315-16], No. 45, died seized of the manors of Way Bayhouse, Litelepudele, and West Staford, co. Dorset, 1315-16. (*Calend. Inquis. post mortem* I., 272). Later we find in the sixteenth and seventeenth Centuries, a family flourishing in Dorset in the name of BAYNE.

"JOHN DE BAYUS, senr., predecessor of MATILDA DE BAYUS" [both printed BAYNS] had held the Manor of *Bolby* and *Haverthorp*, in Belteslaw Wapentake, co. Lincolnshire, (*Hundred Rolls*, 1276, p. 260); Robert de Bretteville held one fee of another JOHN DE BAVEUX, in co. Lincolnshire, 1272. (*Testa de Neville and Duchess of Cleveland*, I., 173). JOHANNES DE BAYUS [printed BAYNS] held lands in 'Chickerel,' co. Yorkshire, 1272 (*T. de Nev.*, p. 418); and "JOHANNES DE BAYUS [printed BAYNS], then bailiff of Belteslaw Wapentake, co. Lincolnshire, took from Alan Russell," etc. (*Hundred Rolls*, 1276, p. 371.)

RICARDUS de BAYUS [printed BAYNS], held a third part of one carucate of land in *Teuelby*, co. Lincolnshire (*Ib.*, p. 371). This is Tealby, where is Bayons Manor, now the seat of the family of Tennyson d'Eyncourt.

The successor of Robert de Rabacio, Rabaz, Rabas, at *Maidwell*, was Stephen Rabbas, or Rabayne, who held it

of Elias and MAUD, or MATILDA de Rabayne, the latter of whom was the heir, as regards *Maidwell*, of her uncle, the last Baron JOHN DE BAYEUX (*Escheat*, 16, Ed. I. [1287-8], cited by Bridge, *History of Northamptonshire*, II., 46), and daughter and co-heiress of STEPHEN DE BAIEUX. By an *Inquisition post mortem* into the estate of "Elias de Rabayn, *alias* Rabeyn," held 13 Ed. I. [1284-5], the Manor of *Styveton*, co. Lincolnshire, was found to be 'the inheritance of LADY MATILDA, daughter and heiress of the Lord, STEPHEN DE BAYEUS [printed BAYENS], which Lady Matilda de Bayeus [printed Bayens] was wife of the Lord, Elyas aforesaid.' (*Calend. Geneal.*, Vol. I., 356). It will have been noticed that the name Rabayn was the result of a similar change from the Norman 'de Rabaz,' low Latin 'de Rabacio,' to that which in an English mouth produced Bayens, Baynes, and perhaps also 'de Bayn,' from 'de Baieux,' 'de Baiocis.' De Rabaz was an equally ancient Norman family, of whom an account may be found in the Duchess of Cleveland's *Battle Abbey Roll*.

After the death of Elias de Rabayn, LADY MATILDA married Sir Peter Malorey, who was "one of the Knights called as assistants" to the Parliament held at Salisbury by Edward I., in 1296. (Duchess of Cleveland's *Battle Abbey Roll*, II., 281). The Mallorys were afterwards of Studley Royal, where a second inter-marriage took place between the families of Bayne and Mallory, as will be related in its proper place.

In 9 Edward II. [1315-16], *Escheat*, No. 45, Dorset, it was "judged that one moiety of the lands of John de Baieux [which had been seized in the time of Elias de Rabayne] should go to the King and his heirs, and the other to Maude de —¹ and her heirs, and she thereupon exhibiting a petition to King Edward II., in his Parliament at London, was answered that she might sue for the same if she thought fit." (Dugdale, *Bar.*, I., 573).

There are two Records which show the immense possessions of John de Bayeux, in Lincolnshire alone. The first is a list of the Fees (*Feoda*) held by Elyas de Rabayn and Matilda his wife, given under the year 16 Edward I. [November 16th, 1237, to November 16th, 1288] (*Calend. Inquis. p.m.* I. 96), and the second is a List of the Fees of John de Baieux (*Feoda Joh'is de Baiocis*) which were held by Henry de Beaumont, Chevalier (*Henricus de Bello Monte, Ch'r*), 49 Edward III. [1375] (*Calend. Inquis. p.m.* II. 338). The following Lincolnshire place-names occur in both lists: Brakenbergh, Cokerington, Langton, Thimbleby, Kelestern (Kelston), Kailsthorp, Cukwald (Cocwold), Thoreswey, Swallow, Cotes, Barowe, Rothewell, Boby, Wickham, Offington (Uffington), Bolby, Eylesthorp (Aylesthorp), Strandby, Brancewell (Barmewell), Rokesham (Roxham).

This double entry shows some of the Lincolnshire manors which were taken from Lady Matilda de [Malory] by Edward II. in 1316, but not the whole list of Manors which she brought to her first husband Elyas de Rabayn, *e.g.* Styveton, Lindewode, *Welleburn* where Hugo de Bayeux built his castle, and perhaps others in Lincs. and Maidenwelle (Maidwell) and Wynwicke, Notts. Besides these there are 58 other Lincolnshire Manors given in the second list as of the Fee of John de Baieux, viz:—Alvingham, Cateby, Hotofte, Barton, Feriby, Horkestowe, Asthorp, Scampton, Burton, Kekington, Holwell, Aswardeby, Asgerby, Helpringham, Osbernby, Haydore, Sceldingthorp, Swareby, Calwarethorp, Scredington, Willesthorp, Ubbethorpe, Fenton, Kesby, Thorpe, Irnham, Grimmes-thorpe, Scotelthorpe, Edenham, Tofte, Lounde, Kelby, Ingoldesby, Silkeby, Kirkeby, Evedon, Iwardby, Hale, Morton, Poynton, Birthorpe,

¹ Malorey.

Threkingham, Haseby, Walcote, Bekingham, Sutton, Thagelthorp, Brandon, Cranwell, Pickworth, Baston, Carleby, Stannford, South Witham, Botheby, Repinghall, Mereston, Brune.

In the *Pipe Rolls* we find other contemporaries of HUGO DE BAIOCIS, e.g. 11 Henry II. [1164-5] under 'Lincol'scr, HELIAS DE BAIOCIS (Rot. 5, mem. 1); also 12 Henry II. (Rot. 1, mem. 1, *in dorso*) HELIAS DE BAIIEUS; and Rot. 1, mem. 1, printed² as HELIAS DE BAIOCO; also Helyas de BAIOCO 13 Henry II. [1166-7] (Rot. 4, mem. 1). *Baiocae* the Latin of Bayeux is plural only, but there is also a neuter singular nominative *Baiocum*. Under *Dorseta et. Somerseta*, 11 Henry II. [1164-5] (Rot. 7, mem. 1, *in dorso*) JOSCELINUS DE BAIOCIS owes 40 marks for the inheritance of his wife; in 12 Henry II. [1165-6] he accounts for 26^l. 13^s. 4^d. for the same, pays into the treasury 3^l. 13^s. 4^d., and owes 22^l.. In 13 Henry II, he accounts for the 22^l. for the same, under 'Honor Ricardi de Monte Acuto,' pays into the treasury 6^l. 12^s. 4^d., and owes 15^l. 6^s. 8^d.; in 14 Henry II. [1167-8] he accounts for this, pays 65^s. and owes 11^l. 11^s. 8^d.. In this and the next *Roll* his name is spelt DE BAIUES. In 15 Henry II. [1168-9] he accounts for this, pays 100^s. and owes 6^l. 11^s. 8^d.; in 16 Henry II. [1169-70] he pays it off. *Et quietus est* (Rot. 8, mem. 1, *in dorso*).

² Mr. C. T. Martin of the Record Office was kind enough to examine the originals of this and other Rolls. In both these cases the name is written DE BAIOCO.

SUSPIRIUS DE BAYUS [printed BAYNS].³ the second of the name of whom I have found record, held *Eylesthorpe* Manor, co., Lincolnshire, at the time of his death in 1292. (*Calend. Inquis., post mortem*, I., 113. In the printed copy at the Record Office, the N in BAYNS has been struck out and U substituted in ink, and the word BAIOCIS added).

In 21 Edward I. [1292-3] THOMAS DE BAIOCIS held lands at Kevermund, co. Lincolnshire, for the Prioress of Stainfeld. (*Calend. Inquis., post mortem*, I., 116).

In 25 Edward I. [1297], HENRICUS DE BAIOCIS and three others held three Knight's Fees in Neubel, Staynton, Langwath, Maydenwell, and Foulestowe, and Henry de Baiocis, a manor in the same vill⁴ [Fulstowe, near Louth]. (*Ib.*, I., 143.) From Dugdale's *Imbanking* I take the following: In 34 Edward I. [1306], a commission issued to HENRY DE BAYEUX and two others for the repair of the banks at Little Cotes upon Humbre. (*Pat.* 34 Edward I., m. I. in dorso). In 35 Edward I. [1307], to him and three others for those of Lindsey. (*Pat.* 35 Edward I., m. 12, in dorso). In 2 Edward II. [1308-9], to him and two others for those at North Cotes, Tetenay, Humberstan, Itterby, Hole, Grimesby, Little Cotes, and Great Cotes

³ Mr. C. T. Martin of the Record Office writes: "The name is certainly written Bayns [with an abbreviation mark over the s, which cannot be shown in print without special type] in the writ. In the Inquisition it is Baiocis."

⁴ Vill, which here means parish.

upon Hombre. (*Pat.* 2 Edward II., m. 11, in dorso). In 6 Edward II. [1312-13], to him and two others for those betwixt Grimesby and Hotoft; and upon Trent, betwixt Burton Stather and Torkesey (*Pat.* 6 Edward II., 1, m. 3, in dorso), (All the above from Dugdale's *Imbanking* [1st Edition, 1652] 2nd Edition, 1782, p. 155) and in the same year to Henry Bajocis and Ralph Paynell for the channel of the river Ancholme, from Bishop's Brigge to the bridge at Feryby. (*Pat.* 6 Edward II., p. 1, m. 17, in dorso; Dugdale, p. 150.) Several of these places we found in the above list, among the Fees of John de Bayeux. These commissions were issued to the most distinguished persons in each county.

From an *Inquis. post mortem*, 9 Edward III. [1335], JOHANNES DE BAIOCIS held 'per feoffamentum Dni. Regis Edward II.' lands and rents at Halton and Killingholm, co. Lincolnshire (*Calend. Inquis. post mortem*, II., 68, No. 16); and in 25 Edward III. [1351], JOHANNES BAYOUS [printed Bayons] de Lyndewode [Linwood, one and a half miles South of Market Rasen], held three carucates of land there. (*Calend. Inquis. post mortem*, II., 170, No. 48.)

In 12 Edward III. [1338], "the said King...assigned Robert de Coleville, Adam de Limbergh, John de Ros, Humphrey de Litlebury, WILLIAM DE BAYEUX, and Ranulph de Parys, to enquire by the oaths of honest and lawful men," particulars specified respecting a proposed

causeway three miles long, from Crouland to the Brother House, co. Lincolnshire. (*Pat.* 10 Edward III., p. 2, m. 8, in dorso; Dugdale, *Imbanking*, 213).

In 12 Edward III. [1338], the King being informed that the banks etc., about Wysebeche, Elme, and Welle, were broken and out of repair issued a commission unto Mr. John de Hildesley, Chancellor of his Exchequer, RICHARD DE BAYEUX, John de Wilton, and two others to enquire thereof. (From a MS. book formerly belonging to St. Edmund's Abbey, fol. 417; Dugdale, *Imbanking*, 306). From an *Inquis. post mortem*, 15 Edward III. [1341], we learn that RICARDUS DE BAYOUSE died seized of Dodenho Manor, Essex. (*Calend. Inquis. post mortem*, II., 101, No. 22); and from another *Inquis. post mortem*, 15 Richard II. [1391-2], that another RICARDUS BAYONS [so printed]⁵ and others held Germethorp, Somercotes, and Conyngesholm, for the master brothers and sisters of the Guild of Germethorp, co. Lincolnshire. (*Ib.*, Vol. III, p. 144, No. 78).

The following three are from *Calend. Inquis. post mortem*, Vol. III. In 2 Richard II. [1378-9], JOHANNES BAYONS [printed Baynes and corrected in the Record Office to Bayons but ? Bayous]⁶ died seized of one toft and one acre

⁵ Mr. C. T. Martin of the Record Office who kindly referred to the original writes: "Impossible to say whether Bayons or Bayous."

⁶ Mr. C. T. Martin writes: "Impossible to say which either in Writ or Inquisition."



of land at Tukesford [Tuxford], and a parcel of meadow (*placea prati*) at Carlton, both co. Notts. (p. 11, No. 5). In 21 Richard II. [1397-8], JOHANNES BAYEUX died possessed of the Manor of Byssebrooke, as of the honour of Huntindon, co. Rutland (p. 214, No. 7). From an *Escheat*, 14 Henry IV. [1412-13], JOHANNES BAYEUX died seized of Covinton Manor as of the Manor of Iogenho, Huntingdon (p. 339, No. 3).

William de Sancto Lando held Wittenham, Wiltshire [*sic.* but should be 'Berkshire'], of GOCELIN DE BAYEUX, 1272 (*Testa de Neville*, cited by Duchess of Cleveland, 3, 341).

IN YORKSHIRE.

Among the Rievaulx *Charters* is one of Richard Lofth [printed Losh, *Chartulary of Riev.*, Surtees Society, No. 83, 1887, p. 71] conceding 33 acres in Normanby, Cleveland, to which ROBERT DE BAIOCIS and ROGER and WILLIAM his sons are witnesses. From the long list of witnesses I select "His testibus, Roberto clerico de Martun, Stephano clerico de Etona [G^t. Ayton] * * * Ricardo de Hiltona, homine [vassal] Rannulphi de Glanvilla * * ROBERTO DE BAIOCIS et ROGERO et WILLELMO filiis ejus, Willelmo de Tostcotes * * * Rainero clerico de Kirkeby, Roberto de Skuderskelf * * * Roberto de Mortona, * * * Stephano Engelram." This is certainly of the time of Henry II. Rannulph de Glanville, who was Chief Justiciary of England temp. Henry II., died



1190. The parsons being designated only by christian names, and the early spelling of Tostcotes [Tocketts] and Engelram [Ingram] all point to that period, independently of de Glanville. William de Tostcotes also appears in Charters of 1218 and 1220. (See Graves, *Cleveland*, 429, and Atkinson, *Cleveland*, II., 59) It is more than probable that this ROBERT DE BAIOCIS was the younger brother of Hugo de Baiocis, and the same as the ROBERTUS DE BAIOS who under 'Essex et Hurtfscr' paid 66*l.* 1 mark in *Pipe Roll*, 8 Henry II. [1161-2] (Rot. 7, mem. 1, *in dorso*); and 100 marks in 9 Henry II. [1162-3] (Rot. 2, mem. 2, *in dorso*); and as the ROBERTUS DE BAIOCIS who appears under "Hantescr," in 14 Henry II. [1167-8] (Rot. 12, mem. 1).

While Hugo de Baius was still living, probably, we find ALEXANDER DE BAIOS, or Baions, and NICHOLAS, his brother, witnesses to a Charter: 'Rogerus de Bavvent et Matilda filia Geroldi uxor ejus,' Rogerus de Bavvent and Maud FitzGerald his wife, to Fountains Abbey in respect of Aldwerke, which Charter is also witnessed by William de Estuteville, Nigel de Plunton, Radulphus malo leporario [Mauleverer] Walter de Helperby, Richard de Massam, and three others (*Col. Tib.*, c. xii., fo. 71b., carta 1). ALEXANDER DE BAIOS and Walter de Helperby are also witnesses to another Charter of Roger de Bavvent and Matilda Fiz-Gerald his wife (*Ib.* fo. 72, carta 2) also without

date; but they certainly belong to the end of the twelfth century, as ALEXANDER DE BAIUS or DE BANIS, or DE BAINS, is also witness to a Charter of Adam, son of Radulphus, son of Nicholas de Bradeleia to Fountains Abbey in respect of *Appiltreewick* (*Cot. Tib.*, c. xii., fo. 200b, carta 16), without date, but to which 'Rogerus de Bavent vice com. Ebor', 'Walterus de Bovington', and 'Osmundus Abbas de Rupe' are also witnesses. Osmund, Abbot of Roche, was appointed 1184 (*Dugd. Mon. Ed.* 1825, 5, 501), and ruled for 39 years, but as Alexander de Baious and Martin, his brother, were associated with William de Estuteville, who was of Upsall Castle, late twelfth century (*Seals Catalogue, British Museum*, Vol. II., No. 5902), we may safely place them in the last sixteen years of the twelfth century. The exact date of this last Charter is 1195, as that is the year in which Roger de Batvent [sic] was High Sheriff (vice comes) of the County of York. (Drake, *Eboracum*. London, 1736, Fol., p. 351.)

The earliest WALTER is in *Pipe Roll*, 8 Richard I. [1196-7] in which WALTER DE BAIOCIS pays $\frac{1}{2}$ mark for a disseizin (*Pipe Roll Society*, Vol. xiv., p. 156).

WALTERUS DE BANNES is witness to a Charter of Cecilia de Burton, widow of Thomas de Burton, to *Fountains Abbey*, in respect of *Aynderby* (*Cot. Tib.*, c. xii., fo. 16 b., carta 36). Thomas de Burton was witness to a Charter respecting Appiltreewick (*Ib.*, fo. 118, carta 7), which is dated 1275.

If she be the widow of that Thomas, WALTER DE BANNES must be placed in the last twenty-five years of the thirteenth century. This conclusion is supported by independent evidence. Miss Isabel Baynes Badcock, of Ripon, draws attention to the *Durham Assize Roll (Surtees Society)*, in which WALTER BAYNES appears under 'Westmoreland' in 7 Edward I., 1279. The Charter, No. 36 occurs among several others of the thirteenth century, some of which are dated, *e.g.*, No. 32, 1257; No. 33, 1246; No. 42, 1209; No. 44, 1269. The monks were either too fat or too lean to do their work properly.

Cot. Tib., c. xii., from which I took the above names, Alexander, Nicholas, and Walter, is part of a Register of Fountains Charters, of which I have also seen another portion at Studley Royal. It was written, according to Walbran, shortly after 7 Edward II [1314]. Except in the case of Bannes, the name of BAIIOUS may equally read BAIONS, and BAIUS, BAINS, or BANIS, as given above.

In an Extent [or Valuation] of the rents of the Manor of Drax [four miles South East of Selby], temp. Henry III. (Yorkshire Arch. and Topog. Society Record Ser., Vol. xii., *Yorkshire Inquisitions*, p. 123), among "Redditus de Burgo," 'Rents from the Borough,' appears the name of "ROBERT DE BAYEUS, 4^s." (p. 134).

ROBERTUS DE BAYUSE is witness to a Charter of William de Percy de Kildale to *Basedale Abbey*, which was moved



to Basedale from Nunthorpe towards the latter end of the reign of Henry III. (Dugdale, *Monast.*), who died in 1272. One William de Percy de Kildale died 13 Edward I., 1285, and another, his son, in 1295, when he was succeeded by Sir Arnold de Percy de Kildale. So we are quite safe in placing this ROBERTUS DE BAYUSE in that part of Cleveland between the years 1272 and 1295. This piece of evidence becomes of great importance, as we find that "ROBERTUS, then Bailiff, took from RICARDUS BAYUS" [printed BAYNS] "de *Grimesby*, in the Wapentake of Langeberghe (Cleveland) $\frac{1}{2}$ mark out of what was due to the King, and gave him no receipt," 1276. (*Hundred Rolls*, 4 Ed. I., 1276, p. 129). Grimsby is now a lost name, but it could not have been far from Stokesley, and was probably at or near Great Broughton, which lies south of Stokesley. *Kirkby's Inquest* (printed in *Surtees Society*, Vol. 49), into 'Fees which are held of the King and various others in the County of York, taken 13 Edward I., 1285,' mentions (p. 129) 'terram JOHANNAE BAYU [printed BAYN] de Browgheton,' but neither Robert nor Richard de Bayus, Bayus, or Bayns, the widow or daughter of one of which JOHANNA BAYU probably was.

ROBERTUS DE BAYUS [printed BAYNS], then Seneschal of of the Lord Abbot, is a witness to an undated Charter (No. 224) of Lady Cecilia, daughter of Nicolas Medici de Seleby, to Selby Abbey. (*Coucher Book* of Selby, Vol. i.,



p. 174, Yorkshire Arch. and Topog. Soc.) ; and ROBERTUS DE BAYUSE to an undated Charter (No. 979) of Richard de Bella Aqua to Selby Abbey. (*Ib.*, Vol. ii., p. 166].

OSBERT DE BAIUS appears in an undated Charter (No. 463) of William de Euer, confirming to Hugo Fitz Walter (fil. Walteri) and his heirs, the tenement which Radulfus villanus held in *Hausay* [Haddlesey, 4 miles S. of Selby] of OSBERT DE BAIUS. Miss Isabel Baynes Badcock cites also from the *Drax Coucher Book*, 2 Vol., (MS. Dodsworth, Vol. No. 802, *Harl.*, given in Thoresby Society, Vol. II., *Miscell.*) viz. : ‘Bingley.’ “‘To all the sonnes of the . . . church . . . OSBERT DE BAYION greeting. Know ye that I have granted . . . to God and the Church of S. Nicholas, Drax, . . . one carucate of land in ye territory of Bingley, which William Paganell my ancestor gave to the aforesaid monkes and the church of Bingley . . . with all easements which William de Paganell gave and confirmed to them.’ The name is also spelt BAYON and BAYONS.” (*Dodsworth MS.*, AAA, 48).

Mr. Harry Speight (*Nidderdale*, 1894, 8vo, page 147) writes : “The important Manor of *Bingley* . . . was given by Henry I. to William Paganel,” and again : “*Drax*, where . . . where William de Paganel established the Priory of Austin [Augustine] Canons early in the 12th century.” He shows that the first of the family in England was Ralph Paganel, who had granted to him by William

the Conqueror, before the Domesday Survey (1086), four carucates in Ripestan (Ribston) Manor (page 146), Ribston Parva, Wartre in Holderness (page 147), Ribston Magna (page 167), Goldsborough (page 205), Diston (Kirk Deighton and North Deighton) (pages 212, 213), and Ripley (page 354).

AS OSBERT DE BAYONS or BAYON says that William de Paganell was his ancestor, I may draw attention to the name of Ralph Paynell given above (p. 74) in conjunction with that of HENRY DE BAYEUX or DE BAIOCIS, 1312-13.

Is Paganell now represented by Parnell? Is Pannal, near Leeds, a corruption of Paganell?

BEGON BAIIOUS [printed BAIONS], or BEGONET BAYOUS [printed BAYONS] was one of the masons engaged upon the repair of *York Minster*, circa 1360 (*Comp. Cust. Fabricæ*, Surtees Society, xxv., i., 2).

Among the witnesses to the Will of John What, Vicar of Ormesby, Cleveland, 1402, is THOMAS BAYUSE [printed BAYNSE] (Surtees Society, Vol. for 1836, *Test. Ebor.*, p. 301).

There is, therefore, overwhelming proof that the name BAYNES, however spelt, is a corruption of BAYEUX, or its adjective. DE BAYEUX=*Baiocensis*, and *Baiocensis* contracts into *Baioensis* as Decanus into Dean, Paganus into Payn, etc. DE Rabacio, and Rabayn afford a parallel. *Baioensis* at once gives Baines, and Baine, Bayne, so that



it is probable that these forms existed from the earliest times.

Table of convicted misreadings, with or without *de* :—

de Bayeus read as de Bayens ; Baious read as Baions.

de Bayous „ de Bayons ; de Baius „ de Bains, Banis.

de Bayus „ de Bayns ; de Baue „ de Bane [probably].

Whence we may infer,

Bayue read as Bayne ; Bayu read as Bayn.

Baiue „ Baine ; Baiu „ Bain,

and actually find the forms BAYON and BAYEN [so printed] in the “Calendar of Wills proved and enrolled in the Court of Husting, London.” By Reginald R. Sharp, D.C.L. ; Printed for the Corporation of London, 1889. Part I., A.D. 1258 to 1358, contains no Bayeux, Bayon, or Bayn, however spelt.

Part II., (p. 230) A^o. 6 Richard II., 1382, Boklond (Richard) of New Alresford. To be buried in his vault (*in arca mea*) in the Chapel of St. John the Baptist at New Alresford. * * * To THOMAS BAYON certain lands and a tenement called *Chaultiers*, subject to an annual payment of 5s. to the chapel aforesaid, and a charge of 20s. to JOHN BAYON. To Johanna, his wife, all his lands, etc. * * * Dated New Alresford, Monday next after the Feast of Purification of Blessed Virgin Mary [2nd Feb.], A.D., 1381[-2]. Roll III (46).

Part II., 1358-1688, p. 595. A^o. 12 Henry VII., 1496-7. BAYEN, THOMAS, senior, vintner. To Cecilia,

his daughter, wife of Richard Hansell, tailor, a certain tenement in the street called 'Cordewanerstrete,' in the Parish of St. Mary de Aldermary, for life; * * * In case of default the property to remain to the Mayor, Aldermen, and Citizens of the City of London, to the use of the commonalty. * * * Dated, London, 2nd May, A.D. 1497. Roll 223 (16).

The earliest example of the spelling BAYN of which I can be quite certain is in the name WILL BAYN, who has left a seal which was used by Robert Wildeskyt, of Hadeley, near Ipswich, in sealing on the first part an Indenture remaining with Thomas Cole, of Bentley, another village close by, dated the first Sunday after the Feast of St. Mark the Evangelist, 45 Edward III. [1371]. The seal though not heraldic, bears a device resembling a buckle, above which is a cross crosslets fitchee, and the legend: 'SIGILL: WILL BAYN,' round the edge. As WILL is left without indications of abbreviation, however, BAYN may also represent more. This may be the WILLIAM DE BAYEUX of 1338, as, though the seal of WILL BAYN was used, he was not a party or witness to, or mentioned in, the Charter.

I may now make the following observations:—

1. In the course of a faithful investigation, extending over two and a half years, I have often wondered how the y and i got into the name Bayn, Bayne, Bain, Baine, assuming its original form to have been BAN, and its earliest

corruption to have been BANE. The name of BAYEUX supplies the solution.

2. I have been quite unable to find any previous evidence to prove whether the names Bayne and Baynes, however spelt, are the same or different names. The name of BAYEUX identifies them.

3. The names of Bayne and Baynes, at the general dispersion of the people after the Dissolution of the Monasteries, were not generally distributed over England, but were confined not only to the counties, but to the localities, where the family DE BAYEUX had immense possessions, *e.g.*, Lincolnshire, Northamptonshire, Huntingdon, Yorkshire, Essex, Kent, Dorset, Somerset, Wiltshire, and Berkshire; and to certain neighbouring counties, *e.g.*, Lancashire, Westmoreland, Cumberland, and Cheshire.

4. In the counties in which the name of BAYNES was found to prevail, the name of BAYNE also prevailed, *e.g.*, Kent, Yorkshire, Dorset, Somerset, Nottinghamshire, Cheshire.

5. With regard to the Scotch families, *e.g.*, that family of BAYNE which bore the cross-bones certainly, BAYNE of Tulloch, and their allies, probably, were offshoots of the same old Norman and Anglo-Norman Baronial family DE BAYEUX.

6. That in England the name of DONALD, the "traditional" ancestor, never occurs till after the publication of



Betham's Article (which is a tissue of inaccuracies), in which the "Tradition" first appears, and then first only in the family on whose behalf that article was written. ¹

7. That Ranulph (Ralph), Hugh, William, Robert, Roger, Sampson, Thomas, John, Adam, Nicholas, Alexander, Richard, Walter, Henry, the names of the first comers of the family DE BAYEUX and their immediate descendants, have all along been common names in the families of BAYNES and BAYNE.

8. That formerly the two names were regarded as identical, for in many seventeenth century Deeds and Registers which I have examined, the same person's name is spelt several different ways, with and without the s.

9. That some of the Nidderdale families and the Kilburn family, who had previously spelt their name without the 's,' reverted to the 's' late in the seventeenth century, about the same time as, or soon after, they first appear as using the cross-bones.

10. That the names of BAYNES and BAYNE, however spelt, are entirely absent from documents older than late fourteenth or fifteenth centuries, up to which time the name of BAYEUX, however spelt, is common. That the name of BAYEUX, however spelt, disappears soon after the names of BAYNES and BAYN first appear, however spelt.

¹ I entirely acquit Betham of all blame, further than that he accepted and published this Article without investigation.



11. That in Nidderdale, the name in the earliest document containing it, which I have myself seen (*Rentale Dnij de Bewerley*, etc., dated 10th May, 11 Henry VII. [1496], now at Studley Royal, 3, 15), is spelt Bayn, with the last upstroke of the n turned up over the letter, and then drawn to the right in a horizontal dash, a common terminal abbreviation, used to express many different endings, but in this case as the *Rentale* is in Latin, expressing, perhaps, 'us' which would leave the name in English BAYN, but perhaps 'es.' The christian name is Crist.[ofer]. This very name was printed by Walbran BAYN (*Memor.* I., 348, *Note*).

§ 3. ARMS BORNE BY BAINE, BAYNE, BAINES, BAYNES,
OTHER THAN THE CROSS-BONES.

Now, it must be noted that the device of the cross-bones in pale and fess on the seals of Hugo de Baius, was not a coat-of-arms. As a matter of fact, the Lincolnshire families of Bayouse, Bayons, Bayos, Bayens, Bayns, Baynes, Baines, or however else spelt, did not bear the cross-bones for their coat-of-arms, which is easy to understand, as the descendants of Hugo de Bains, became extinct in the male line with his two sons, John and Stephen.

What were the arms of Hugo de Baius, or whether he bore any, I am not prepared to say, as he died just about



the time when coats-of-arms were being generally adopted throughout Christendom. I only note this, that his banner borne by the Agnus Dei is divided *per saltier*, and that Berry (*Encyc. Heraldica*, 1828, Vol. II., *Dictionary of Arms*) gives, without date or locality, "BANE, *per saltier*, *ar.* and *az.*" The arms borne by the Lincolnshire and Essex and other families are or were these :—

A. LINCOLNSHIRE.

1. BAYONS, BAYOS, BAYNES, Lincolnshire. 'Gu. two bars, in chief three escallops *ar.*'

BAYOUSE, Lincolnshire. 'Gu. two bars and three escallops *ar.*' (Berry, *Supplement to Dictionary of Arms*, 1828).

[A woodcut of the above arms is given on back of fly leaf of 'The Baynes of Aquisgrane, related by ROGER BAYNES, Gent., a long exile out of England, not for any temporal respects'—therefore, probably, a Popish recusant, as 'The Printer to the Reader' says, 'This present volume and the next that are to follow, though they have not come to the presse till now, yet they have byn written some yeares ago in the tyme of the late Queen Elizabeth.' Round the the shield is the motto 'Qui nihil sperat, nihil desperat,' which also appears on the title-page of 'The Praise of Solitarinesse.' (*London*, 1577). By the same ROGER BAYNES. 'The Baynes of Aquisgrane,' is a punning title

on the author's name, as he says people 'come to take the commoditie of the Baynes (more vulgarly called Bathes)' [*Fr. Bains*]. The 'Baynes of Aquisgrane' was printed at *Augusta* in Germany, 1617].

BAYONS, or BAYOS. '*Crest* :—A horse at full speed, holding in the mouth a spear head ppr.'

2. BAYOUSE, Lincolnshire. 'Barry of six *ar.* and *sa.*'

B. ESSEX.

3. BAYOUSE, Essex. '*Ar.* three lions *purp.*'
4. BAYUS. '*Ar.* three lions rampant *purp.*' (All from Berry, *Supplement to Dictionary*, 1828).

Other families of Baynes and Bayne bear as follows :—

CHESHIRE.

1. BAYNE, or BRAYNE, Cheshire. 'The martlets *Arg.* is the coat of Bayne, or Brayne.' (Holme *Acad. of Armory.*, 1688, Book II., xi., p. 250).

2. BAYNE, Cheshire. '*Az.* a chevron embattled *or,*' (Berry, *Dictionary of Arms*, 1828) 'on the upper side,' (Holme, *Acad. of Armory*, 1688, Book II., xi., p. 250).

3. BAYNES, Cheshire. '*Az.* a chevron embattled *or,* between three martlets *ar.*' (Berry, *Dictionary*, 1828).

4. BAYNE, Cheshire. '*Az.* on a chevron embattled *or,* between three martlets *ar.* as many roses *gules.*' (Berry, *Supplement to Dictionary*, 1828).



5. BAYNES, Cheshire. 'Az. on a chevron embattled *or*, between three martlets *ar.* as many cinquefoils *gules.*'

6. BAYNES, Cheshire. 'Az. on a chevron embattled *or*, between three martlets *ar.* as many cinquefoils *sa.*' (Berry, *Supplement to Dictionary*, 1828).

7. BAINE, Cheshire. 'Az. a fesse crenellée *or*, between three martlets *ar.*' (Berry, *Dictionary*, 1828).

[This is a mere variation of No. 3. by the substitution of the *fesse crenellée* for the *chevron crenellé*].

LANCASHIRE.

8. BAYNE, Lancashire. 'Vert on a chevron embattled *or*, between three martlets *ar.* as many cinquefoils *gules.*' 'Crest: An estoile *or.*' (Berry, *Dictionary*, 1828).

[This is closely allied to and apparently a slight variation of No. 5, Cheshire, the difference being only in the change of the colour of the field from az. to vert].

IRELAND.

1. BAYNE, or BEAGHAN. 'Ar. a chevron *gules* within a bordure *sa.* bezantée. Crest: A pellet between two wings expanded paly of six per fesse counterchanged *gu.* and *sa.*'

[The chevron seems to connect them with the Cheshire and Lancashire families].



2. BAYNES. *Sa.* two shin-bones in cross *ar.* of the Cumberland type, as explained below. (*Irish Compendium*, 1732, 12^o Vol. III., pl. 22).

LONDON.

BAYNES. Per bend *or* and *az.*, three roundles in pale counterchanged. (Berry, *Dictionary*, 1828).

NO LOCALITY SPECIFIED.

BANE. Per saltier, *ar.* and *az.*

BAYNES. *Sa.*, a cross bottonnée *ar.*

[This seems to be a mere adaptation of the cross-bones, as it bears the same heraldic colours].

In the next Section I shall deal very fully with the cross-bones as borne by various families.

C. SCOTLAND.

1. BAYN. '*Az.* a wolf's head erased *or*, armed and langued *gules*. *Crest*: A dexter hand grasping a dirk *or.*'

2. BAYN. 'The same within a bordure counterponed *az.* and *or.*'

3. BAIN. '*Az.* a wolf's head erased *or*, within a bordure *ar.* *Crest*: A dexter arm in armour embowed ppr. garnished *or*, grasping a dagger also ppr. *Motto* over the crest, 'Et Marte et Arte.' [Confirmed 1784 to Michael Bain, Esq., late Captain of the King's Regiment of Light

Dragoons, descended from the ancient family of Tulloch of that name in the county of Aberdeen].

4. 'BAYNE. Sheriff clerk of Fyfe. *Azur* a garb *or*, banded of the first betwixt three thistles of the second. The thistle is the badge of the King of Scotland.' (*Sir George Mackenzie*, 'Scotland's Herauldrie.' *Edin.* 1680, fol., p. 64.) 'Bayne Fife Scotland,' more simply described, *Az. a garb or*, banded of the first, betwixt three thistles gold.' (Berry, *Dictionary*, 1828).

5. BAINE. 'Sa. two leg-bones in cross, *argent*.' (*Sir George Mackenzie*, 1680).

BANE. Same. (Berry, *Dictionary*, 1828, with no date or locality specified).

§ 4. THE CROSSBONES AS A COAT OF ARMS.

At what date, and in which country, the crossbones were first granted or adopted as a coat-of-arms is not known. There is a tradition that a Bayne, Baynes, or Baines, obtained coat-armour for gallantry on the Field of Flodden, 1513; but whether this coat was the cross-bones, or any other, I am unable to say.

The earliest evidence of the cross-bones, as a coat of arms, I have met with in England and Scotland is at the beginning of the 17th century, and at the same time as a pedigree of Bayne of Middlesmoor was entered at the Heralds' Visitation, 1612, by Roger Bayne of Woodale,

bottom, and the sinister side at top : that of the fesse bone above at the dexter end, and below at the sinister end.

This type I shall refer to as the *Cumberland* type. (See Pl. 2, fig. 1).

No. 2. We now come to another type. *Scotland*. Pont's MS. gives for BAINES, "sa. two shin-bones crossways arg." (*Letter* to me, dated 7th July, 1893, from J. Balfour Paul, Esq., Lyon King-of-Arms). This is, as far as I know, the earliest *specimen* of the arms in Scotland. Upon this Lyon King remarks, "with the exception of the grant to Sir Christopher Baynes," [to be described] "we have no recorded grant of cross-bones." "As they, however, are mentioned in Pont's MS., there may have been a grant, or at least the coat may have been used, previous to 1672, when the Lyon Register commences." Lyon King also says, "none of the older Scottish Armorial I have consulted give the cross-bones for Bain or Bayne." This seems to me to prove conclusively that the name of the man to whom the cross-bones were first granted, as a coat of arms, was BAYNES and not BAYNE (both variously spelt), as already inferred from the Rebus, earlier in this Chapter. Against this conclusion, on the other hand, we have Sir George Mackenzie's figure (see Pl. 2, fig. 2), referred to in specimen No. 7, below, where the name is written BAYNE.

As to the date of Pont's MS., Lyon King gives it *circa* 1630, but Sir Herbert Maxwell, Bart., has shown that Pont

died between 1610 and 1614, and that his Surveys were made between 1600 and 1610. (*Studies in the Topography of Galloway*, 1887, 8vo, pp. 40, 41). I have not seen Pont's MS., and do not know whether he gives any figure, but as Mackenzie does give one, I will explain the difference and connection of the Cumberland and Scotch types under example No. 7, below.

No. 3. Kilburn Hall, Yorkshire. Pure Cumberland Type. A curious *iron seal*, in the possession of Sir Wm. J. W. Baynes, Bart. *Arms.*—A shinbone in pale, surmounted by another in fesse—the larger lobe of the pale bone being on the dexter side at bottom, and the sinister side at top; and that of the fesse bone above at the dexter end, and below at the sinister end. *Crest* supported on an esquire's helm, and rising out of a wreath (probably of the colours), a dexter hand and arm couped below the elbow, cuffed, the hand bent well over to the dexter side, holding a jaw-bone by the thin end, pitched at a high angle, teeth downwards. In this jaw-bone only, the bend of the jaw-bone is carried to the extreme length, pointing, of course, downwards. The age of this seal is not certainly known². The earliest document sealed with this seal, of which we

² In a *Letter* to me, dated April 17th, 1894, Christopher W. Baynes, Esqre., writes: "I have just been to the British Museum about the Iron Seal. Mr. Birch, who is the authority on such matters, fixes its date as possibly in Elizabeth's reign, though, from the roughness of the work, he considers it more probable that it was made in the time of James I."

have evidence, is the fascinating love-letter of Jane Baynes of Kilburn to William Smith of Mallard Grange, Aldfield, dated 5th Aug., 1691, which will be found in the *Smith Letters*, below. It is also used in sealing sundry of the later letters (see Pl. 2, fig. 3).

No. 4. *Kilburn Hall*. On the gable wall of one wing of the old Hall and Manor house, at Kilburn, Yorkshire, above the mullioned Elizabethan window, a stone is built in the wall on which are carved the arms of Baynes. These belong to the *Cumberland* type. The arms resemble the two former ones as regards the crossing of the bones, and the arrangement of the lobes. The crest is a hand rising out of a wreath [of the colours] supported by an esquire's helm. The hand is couped at the wrist, (in which it varies from the *Cumberland* type, and from the iron seal), vested but not cuffed, very slightly bent over to the dexter side, and holding the jaw-bone, teeth downwards, at a much lower angle than either of the former two. The bend of the jaw is expressed, but not nearly so much so as that on the iron seal (see Pl. 2, fig. 4).

No. 1 (*b*). The cross bones of the *Cumberland* type proper are borne by an Irish family, of the name of Baynes, and their descendants (see Plate 2, Fig. 5). This family is descended from EDWARD BAINES, whom I shall have to prove to have been the only son of Lieut.-Colonel Jeremie Baines, of the Parliamentary army, by his first wife. There

is very strong evidence that Lieut.-Colonel Jeremie Baines was sprung from one of the families of the Kirkby Lonsdale group.

No. 5. Knostrop Hall, Yorkshire. Cumberland type, with Bezant added. (a) Figure seen by me in the original MS. vol. of Grants, "R. 22," Heralds' College, similar to the above, the fesse bone surmounting the pale ; the arrangement of the lobes is the same, but they are rather more pronounced than those on the iron seal. A bezant in the dexter point of the chief, awarded in honour of Robert Baynes, Standard Bearer to Henry VIII. at the Siege of Boulogne 1543-4. *Crest.* Out of a wreath of the colours, a dexter hand couped at the wrist, cuffed, the hand bent over to the dexter side further than that on the iron seal, but holding the jaw-bone teeth downwards at a less angle than that on the seal. In this jaw-bone the bend is omitted. In the vol. of Grants is the following important note : "This Armes and Creast here depicted doth proply belong and appertaine to Adam Baynes, of Knowstroppe, near Leeds, in the County of Yorke, Esq., *who anciently came out of Cumberland, and settled himselfe in the above mentoned Knowstroppe near Leeds in the County aforesaid.*"

Signed, "William Ryley, Norroy

King of Arms."

Beneath the drawing in "R. 22," is the motto : "Vires ratione gubernet." The *Registers* of Leeds Parish Church

prove that Robert the Standard Bearer, the third generation above Captain Adam Baynes, lived at Knostrop, and that it was not Captain Adam who came out of Cumberland, but some ancestor of his.

(b) Figure in Thoresby *Ducatus Leodiensis*, Ed. 1816, p. 101.

The original of this confirmation is not in Heralds' College, having been, with all others granted during the interregnum, ignored and probably destroyed at the Restoration. Christopher W. Baynes, Esq., eldest son of Sir W. J. W. Baynes, Bart., has, however, what seems to be a facsimile copy; and it is also printed by the *Surtees Society* among 'Yorkshire Grants,' in the same volume with *Tonge's Visitation*, Vol. XLI., p. liv.: "Confirmation¹ of Arms. 10th May, 1650." "Whereas Captain Adam Baynes of Knowstropp, in the County of York, Esquire, hath requested me to declare *what armes* he may lawfully bear, I—declare that the said Adam Baynes may bear the armes and crest hereafter mentioned, viz.: *Sable*, a shinne-bone in pale, surmounted of another in cross, *argent*, in the dexter quarter a bezant.² And for his creast, on an

¹ Dr. George W. Marshall, Rouge Croix, writes: 'But this is a grant *de novo*. I don't believe in 'confirmations.' It is only verbiage intended to gloss over the fact that the people had no right to Arms.' I cannot, however, adopt so illogical a conclusion, even from so high an authority. It is contradicted by the evidence.

² The origin of the *Bezant* as an heraldic charge is curious, and I have never seen it properly explained. Among amulets still used in Greece



helme and wreath of his colours, an arm sleeved and cuffed argent, and a hand holding the jaw-bone of an ox proper; mantled gules double argent, which coat and crest I allow and confirm unto the said Adam Bains, and the heirs of his body lawfully begotten."

Signed, "William Ryley Norroy King of Arms." Under the drawing of the arms is the motto: "Vires ratione gubernent." [*sic*].

On August 21st, 1893, I visited Knostrop Hall in company of Mr. John Baynes, J.P., of Ripon. Mr. A. Grimshaw, the Yorkshire artist, was living there, and made a rough sketch of the arms over the front door, which he signed and dated. He shortly afterwards died.

against 'fascination,' 'the Evil Eye,' and other dangers, *Byzantine Sequins* are among the most common. (*Customs and Lore of Modern Greece*. Rennell Rodd. Lond., 1892, obl. 8vo, c. 6, p. 162). "I remember," says Rodd, "a certain warrior who pretended to be invulnerable, in virtue of a medal of St. Constantine, which he wore suspended round his neck." (Ib.) "Vidi," says Lipsius (*Epist. Quæst.* I, Ep. 16, cited in Schefferus, *De Antiq. Regni Sueciae Insignibus*, Holmiae, 1678, p. 28, who says that these coins were of the Augustan age). . . . "nummos aereos in quorum parte luna media esset cum inscriptione BYZANTION," 'I have seen . . . bronze coins in the middle of which was the Crescent, with the inscription 'BYZANTION.' "The gold coins, commonly called *Byzants*, were the old Byzantine solidi . . . that were current in England, and indeed all over Europe, for some ages before the Norman Conquest." (Henry, *History of Britain*, Bk. II., c. 6). The inscription *Byzantion* is not mentioned as being on the gold coins, the *Byzants* or *Bezants*, but the fact that they were conspicuously worn as amulets, then probably as now, would explain their adoption by the Crusaders, who were not above amulets themselves; and their thus passing into a charge on the shield, to perpetuate the memory of the owner's presence in the East. The continued use of Bezants, is therefore somewhat Quixotic.

(c) On a stone in the wall over the front door of Knos-trop hall is carved a coat-of-arms, corresponding exactly as to the crossing, and arrangement of the lobes at the extremities of the bones, with the figure in Guillim and the arms on Kilburn Hall, and the Iron Seal. There is added a Bezant in the dexter point of the chief. There is no crest.

(d) On a fine old oak overmantle in the dining-room are three shields, the one on the left as viewed, bearing the above arms, without crest, the one in the middle, above the fireplace, bearing a single heart, to express the union of hearts, and the one on the right the arms of Dawson of Heworth, which correspond with those of Dawson of Azerley, 1612, viz.: 'Ermine, on a canton az. a stag lodged, or.' These arms prove the date of the overmantle and of the house itself, as Captain Adam Baynes married Martha Dawson, of Heworth. As Captain Adam died 1670, and the bezant was granted 1650, and as the bezant appears on the stone above the front door, the house must have been built by him between those dates.

(e) Upon an altar tomb of black marble in the former Parish Church of Leeds (which tomb is not to be found in the present church), were the arms of Robert Baynes, Esq., who died 17th Aug., 1697, betwixt those of his two wives, and beneath them the motto, 'Vires ratione gubernata' [*sic*], (Thoresby, *Duc. Leod.*, p. 52). The motto seems to be founded on a line in Lucretius: 'si quis vitam ratione gubernet.'

An inquiry was made by WILLIAM BAYNES, afterwards of *Harefield Place*, Middlesex, respecting these arms, at Heralds' College, in August, 1767, when it was found that they had never been regranted. Now as this was not an original grant, but only a confirmation, or rather a declaration of *what arms* Adam might bear, the repudiation of the confirmation at Heralds' College does not destroy the title of ancient right; and as his ancestors *came out of Cumberland*, and as there is no other record of any grant of arms having been made to persons bearing the name of Bayne or Baynes in Yorkshire or Cumberland, it follows that the original grant must, if made anywhere in England, have been made before Herald's College was incorporated.

No. 6. (a) *England*. In the MS. Vol., marked "C. 40" in Heralds' College is contained the record of 'The Visitation of Yorkshire, begun in Ao. Dni. MDCLXV., and finished in Ao. Dni. CIOCLXVI. By William Dugdale, Esq., Norroy King of Arms.' [1665-1666]. At p. 46.b, "Ewecrosse Wapentake," "Skipton, 17th August, 1665," is given a pedigree of "Baynes of Mewith Head," and a pencil drawing of a shield with two shin-bones in cross, the bone in fesse surmounted of another in pale, of which I give a sketch. (Plate 3, Fig. 2). There is no crest, and the bones, which are very roughly drawn, correspond with Nos. 1, 3, 4, and 5, in the arrangement of the lobes, but differ in the matter of crossing each other, in

which they follow the Scotch type (Nos. 2 and 7). Beneath this coat-of-arms is a MS. note. "Respite given for proof of these armes, but no proof made." The family of BAYNES, of *Mewith Head Hall*, can however be traced back to the year 1379 (through the *Subsidy Rolls, Richmondshire Wills, Chancery Suits, etc.*) and in *Subs. Roll* $\frac{207}{120}$, 14 and 15 Hen. VIII., 1523-4, ten years after the battle of Flodden Field, I find under [Bentham] "WILLIAM BAYNES, Armiger," which sufficiently proves the claim. This family flourished within a radius of 12 miles round Kirkby Lonsdale. Beneath the pedigree is a note, "Certified by Arthur Ingleby on behalfe of Robert Baynes." It appears, also, from examples Nos. 24 and 25 that the descendants of the Bayneses of Mewith Head bore arms of this type, with additions which will be more particularly described.

(b) In a letter dated March 25th, 1894, from Mr. T. Benson P. Ford of Lower Bentham, to Mr. John Baynes of Ripon, is a rough sketch of a stone slab 'about 2 feet square' now in the barn, showing a shield on which are the cross-bones on the dexter side, impaling the arms of Bankes, a plain cross, on the sinister side. The bones are crossed the Cumberland way, as Mr. Ford says: 'the horizontal cross-bone is uppermost.' The sketch is too rough to show the arrangement of the lobes, but the fesse bone is much shorter than the bone in pale.

The *Crest* is an arm couped at the elbow without sleeve,



the hand, of which the back seems to be shewn, holding a jawbone teeth downwards. The shield is surrounded with elaborate escrollerie (see Pl. 3, fig. 3).

In the *Hopkinson* MS. (Harl., 4630) the arms of Bankes, of Bank Newton, near Skipton, are thus given: 'Sa. a plain cross *or*, between 4 fleurs de lis *arg.*' The stone at Mewith Head was evidently built with the Hall, by Ralph Baynes, the first of the Visitation *Pedigree*, who married Ann, daughter of Robert Bankes, attorney-at-law, Giggleswick, and Anne his wife, daughter of Joseph Crake, of Beck Hall, par. Giggleswick, in the time of James I. (*Pedigree* of Banks of Revesby Abbey, co. Lincs., Baronets, in W. Betham, *Baronetage*, 1804, Vol. IV.) or half a century before Dugdale's *Visitation*, when the proof of the arms was challenged.

No. 7. *Scotland*. Sir George Mackenzie, in *Scotland's Heraldrie*, Edin., 1680, *fol.*, gives in fig. 10, plate p. 53, a drawing of the arms of BAYNE, without crest. The bone in fesse, as in No. 6, is surmounted of that in pale, and the larger lobe in the bone in pale is on the sinister side at bottom, and in the dexter side at top, or just the opposite of the arrangement in the Cumberland type; while the larger lobe is below at the dexter end of the bone in fesse, and above at the sinister end—also just the opposite of the *Cumberland* type. This arrangement I shall therefore refer to as the *Scotch* type. (See Pl. 2, fig. 2). But the

two figures are in reality one and the same, differently viewed, and placed. Let the reader suppose he is viewing on a stained-glass window a representation of the *Cumberland* type. Let him next go to the other side of the window, and he will view the *Scotch* type. One and the same drawing on a transparent medium viewed from opposite sides of the medium does for both types.

No. 8. SIR THOMAS BAYNES, Kt., M.D., (whose name is also written "BANES OR BAINE" in the '*Catalogue of Knights created from 1660 to 1760,*' by Fras. Townshend, Pursuivant of Arms, Lond., 1833, 12mo), on his (*a*) tombstone and (*b*) mural monument in Christ's College, Cambs. I have had a rubbing taken of the arms and crest on the flat tombstone. The top of the crest is hidden from view by the communion rail, so I had also a drawing made in which the crest is completed from the one on the wall. Both the rubbing and the drawing were made by Mr. Edmund Wilson, of Cambridge. The arms are of the variety peculiar to Ripon, *i.e.*, the Scotch type crossed the Cumberland way, and correspond with those of Roger Bayne, of Ripon. (See below, Nos. 11 and 12). The extremities of the bones, however, differ slightly in form, and the larger lobe at the dexter end of the fesse bone is above, as in the Cumberland type. These arms are thus incorrectly described in the '*Queries about Knights, Creations,*' etc., in Le Neve's *Knights* (*Harl. Soc. Pubs.*, Vol.

VIII., p. 279), '*Sable*, two shin-bones in saltyre [*sic*] *arg.* *Crest.* A hand holding a shin-bone.' Of course the bones are not in saltyre. That is the arms of Newton. Nor is the crest bone a shin-bone. The rubbing and drawing both show a jaw-bone. (See plate 3, fig. 4). The crest has this variation. The hand is held horizontally above a wreath of the colours which is supported on a Knight's helm; is sleeveless, couped at the wrist, and holding the jaw-bone nearly upright. It is the crest of Roger Bayne turned on its side, without the sleeve. (See below, No. 12). If the hand were turned upright the bone would be horizontal, teeth downwards, and we should have the crest of Roger Bayne the younger, of Ripon. Sir Thos. Baynes was born in 1626 (Townshend, *Catalogue*); about 1622 (Chalmers, *Biog. Dict.* 1812, 8°, Vol. IV); was knighted at Whitehall, 24th May, 1672 (Le Neve's *Knights*; Townshend, *Catalogue*), and died at Constantinople, 5th September, 1681 (Le Neve's *Knights*) 18th November, 1682, aged 56 (Townshend, *Catalogue*), before Roger Bayne, Junior, was born. In *Graduati Cantabrigienses* (Cant., 1787, 4°), we find: 'Baynes, Thos., Patav., M.D., incorp. 1661,' which means that he entered Christ's College in that year with a Padua Degree, which was incorporated. Le Neve adds: 'I think he dyed a batchelor.'

No. 9. JACOB BAYNE, of Allershaw, part of Bramley Grange, near Ripon. *Seal.*—The seal heraldic of Jacob

Bayne appears on several deeds in my possession. The figure is taken from a deed of 11th August, 1688, and other deeds dated 12th November, 1691. The arms are of the Cumberland type, the fesse bone surmounting the pale bone, and the lobes corresponding to those in Nos. 1 and 3, above. In the *Crest*, however, we come to an important difference. The hand and jaw-bone are absent altogether, but supported by the Esquire's helm is a Royal Crown. For this important coat-of-arms and crest see Pl. 3, Fig. 5. We are here left on the horns of a dilemma. If the *crest* be adduced as evidence in support of the tradition of descent from Donald Bane, the *coat of arms* (which is the only part that bears any heraldic significance) may be pressed with greater force as evidence of descent from the Norman Baronial family of Bayeux.

No. 10. The *Seal* Heraldic of William Smith, of Mallard Grange, Aldfield, and Jane Baynes, of Kilburn, who were married in 1692, has come down to us. Arms quarterly; second and third Baynes, arms of Kilburn, Cumberland type proper. Of this seal I give a figure from an impression in wax, taken by the late the Rev. Thomas Hill Smith, Thirkleby, Thirsk, in whose possession the seal itself was. (Plate 4, Fig. 1). Rev. Thomas Hill Smith, born 7th July, 1820, died 22nd April, 1894. Buried in Thirkleby churchyard, 26th April, 1894. The seal is now (June, 1894), in possession of Mrs. Rosa E. Wood, Bishopsfield, York, niece of the said Rev. T. H. Smith.



NO. 11. ROGER BAYNE, of Ripon, first cousin of Jacob Bayne. On a mural tablet, erected in the south aisle of Ripon Cathedral, in memory of his wife Hellen, are the arms of Roger Bayne. Hellen Bayne died March 24th, 1695-6. By the crossing of the bones the arms belong to the *Cumberland* type, but the arrangement of the lobes is the same as in the *Scotch* type, viz.: that the larger lobe of the bone in pale turns to the sinister side at the bottom, and to the dexter side at the top of the shield; and the larger lobe is below at the dexter end, and above at the sinister end of the bone in fesse: whence it appears that this form is the *Scotch* type, differenced by crossing the *Cumberland* way. It corresponds with the arms of Sir Thomas Baynes, No. 8, above. There is no crest. (See plate 4, fig. 2). The arms are only painted on the stone.

NO. 12. ROGER BAYNE the younger, of Ripon, afterwards of York. *Seal*. On a deed of 11th Feb., 1729, at which date this Roger was resident at York, is his seal heraldic with the Bayne arms, and crest. The arms correspond with those of his father, No. 11, the *Scotch* type crossed the *Cumberland* way. The *Crest* is a cubit arm rising out of a wreath [of the colours] supported by an Esquire's helm. The arm is vested, couped below the elbow, has no cuff, and the hand is held straight, not bent to the side at all, and holds a jaw-bone, teeth downwards, horizontally. The bend of the jaw is strongly expressed, but comes almost to a point. (See plate 4, fig. 3).

No. 13. The York Peg-Tankard. Sir Wm. J. W. Baynes, Bart., possesses *de jure emptoris* a silver gilt Peg-tankard, to which the following memorandum in my possession, and Sir William's hand-writing, refers : " The Peg-tankard bought at Mr. Wells' shop, 55, Piccadilly, 27th June, 1872. Mr. Wells purchased it at the sale of old and rare plate of Loftus Wigram, of Berkeley Square. It has the arms of Edward IV. on the lid. The counterpart tankard was given by Edward IV. to the city of King's Lynn. The legs represent pomegranate fruit. Cost £105." With the letter, of which this *mem.* forms a part, were two sketches by Sir William of the arms and legend on the lid, and of the arms on the front part of the tankard. On June 24th, 1893, I called on Sir William Baynes to see the peg-tankard. The Royal arms are those borne by the Kings of England, from Henry V. to Elizabeth inclusive, viz. : first and fourth, three fleurs-de-lis; second and third, three lions passant. Under the circular shield is the date "1480" in plain Arabic figures, the '8' having a flat top. Round all these is the legend, 'HENRIC: TUDOR,' and beneath them the word 'EBOR,' all in Lombardic characters and engraved at one time. Edward IV. was of the House of York, and King of England, 1461—1483. *Henry Tudor* was not at that date (1480) entitled to bear the Royal Arms. He came to the throne as Henry VII., in 1485, and in 1486 married *Elizabeth*, eldest daughter of Edward IV. There is, therefore, no

doubt that the arms on the lid are spurious and modern. Henry Loftus Wigram's plate was sold 2 March, 1870, by Christie, Manson, and Woods. The Tankard was "Lot 328. An old silver-gilt Peg-Tankard on pomegranate feet, engraved with shield of arms." No mention of arms on lid. It has the York stamp, Rose and Fleur de lys, and by the letter N on a shield the B.M. authorities fix the date at 1680. It also bears the initials I. P., which were those of John Plummer of York, the maker. Christopher W. Baynes, Esq., who found all this out, has had the arms on the lid hammered out. (For the Bayne arms, *see* Pl. V.).

The Bayne arms are on the dexter side, impaling a coat-of-arms, three bars engrailed. The crest is that of Bayne. Both arms and crest correspond exactly with those on the seal of Roger Bayne the younger, of Ripon, and afterwards of York, 1729 (No. 12 above), and the arms with those of his father (No. 11, above) on Hellen's tablet in Ripon Cathedral, and with no other. Therefore, the Bayne was one of this family. Sixty-two of their Deeds (ten of which have *seals heraldic* of the Bayne family) being now in the possession of Mr. John Baynes, J.P., of Ripon, and the peg-tankard having been sold in open market, it would seem that this eminent family of Ripon, which was still there till the death of William and Mary Bayne, 1781 and 1791 respectively, must be extinct. Of Roger, unfortunately, we lose sight after 1729. We do not know the maiden name of the above Mary Bayne, wife of William, who was a son of Roger Bayne, the younger, of Ripon and York.

We do not know the christian or surname of this Roger's wife, mother of William. Roger does not seem to have been married at Ripon, and the next seal affords good ground for supposing that her name must have been Stucley: wherefore he is out as regards the peg-tankard.

The only families bearing three bars engrailed I have been able to find are "William Crepyn: Arg. three bars engrailed, gu.," and "Giffard: gu. three bars engrailed, arg." Those of *Crepyn* are cited from a Roll *circa* 1256-66 in Leland's *Collectanea*, in Papworth's *Ordinary*, etc., 1874, 8vo, so that no doubt remains that the three bars engrailed must be the arms of Giffard.

The name of the first wife of Richard, the Recorder of Ripon, was Frances Driffeld, that of his second wife, Elizabeth Staines, and it is a curious coincidence that the arms of Staines should be *two* bars engrailed, as the Recorder is a very likely person to have owned the peg-tankard. On the whole, I should be prepared to find that William Bayne, husband of Mary, and son of Roger, the younger, of Ripon, and afterwards of York (which William and Mary lived at Ripon), married Mary Giffard.

NO. 14. BAYNES OF BELL HALL. In Dugdale's *Visitation of Yorkshire*, 1665-6, given in Whitaker's *Richmondshire*, p. 161, is the pedigree of Hewley of Wistow. John Hewley, of Wistow, was father of Sir John Hewley, of York, whose two children died young, and of Mar-

garet, who married John Baynes, of Wistow. They had a son, Hewley Baynes (Bains). In the *Book of Remarks* of William Storr of Scaln Park, there is a list of owners and tenants of land in Wistow, 1711-12, which is given on p. 60, Vol. VII., *Yorkshire Arch. and Topog. Assoc.*:—"Bains, Hannah, *ot.*: Bains, Hewley (Sir John Hewley's now falls to him, his new house), *ot.*: Bains, Hewley, his father, *t.*: Bains, John, *m.*: Bains, Samuel, *o.*:"—*o.* means owner, *t.* tenant or occupier. The 'new house,' I suppose to be Bell Hall,³ as I find 'Deaths, 1760. Hewley Baynes, Esq., of Bell Hall, near York.' (*Gent. Mag.* 30, 103). In Burke's *General Armoury*, I find 'BAINES, *Bell Hall*, co. York. *Arms*, sa. two shank-bones in cross, ar., that in pale surmounting the one in fesse; unfortunately the arrangement of the lobes is not described. *Crest*:—"A cubit arm erect, holding in the hand a shank-bone in bend sinister, ar.," and that of another closely related family locality not given: 'BAINES, sa., two shank-bones in cross, ar., that in pale surmounting the one in fesse. *Crest*, a bone and a palm branch⁴ in saltire, ppr.'

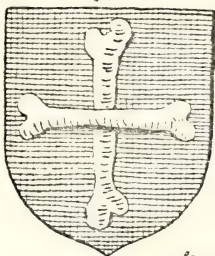
³ This is so. 'Bell Hall, the seat of William Mortimer Baines, Esq., is a spacious mansion in the Queen Anne style, and was built by Sir John Hewley, Knight, in the year 1680.' (*Kelly's Directory*, Yorkshire, 1893. S.V. Naburn).

⁴ In Ecclesiastical Symbolism a *palm branch* stands for a martyr. Was some member of this family martyred?

No. 15. Bayne. *Seal*. A seal heraldic of unknown origin on which the arms of Baynes are quartered in the first and fourth with those of Stucley, three pears, in the second and third. The crossing of the bones is not absolutely clear, but as I see them, the Bayne arms are of the Ripon type, so much so that they correspond absolutely with those of Roger Bayne, of Ripon, and his descendants. The impression of the seal belongs to Sir Wm. J. W. Baynes, Bart., having been sent to him in a letter, dated 7th January, 1868, by the late Mr. John Hodgson, of the Lodge, Northallerton. It is upside down on the paper, but that does not, of course, alter the quartering. Under it Mr. Hodgson has written: "Richard Peirse, Esq., of Hutton Bonville, married Rachel, sister of William Bayne, Esqr., of Ripon, co. York. Mr. Peirse died 26th June, 1769, and Mrs. Peirse 24th June, 1771, both buried at Hutton Bonville." Had he taken the trouble to look at the seal, Mr. Hodgson would have seen from the quartering that the man was a Bayne. So that, in any case, it cannot have been the seal of Mr. and Mrs. Peirse, though in their possession. Guillim (*Displaye of Heraldry*, third Ed., p. 144, 1638, fol.) thus described the Stucley arms. 'He beareth az. three Pears or, by the name of Stukeley, Devon.' The above William Bayne was the grandson of the elder, and son of the younger Roger, of Ripon. Nos. 11 and 12, above (see Pl. 4, fig 5)

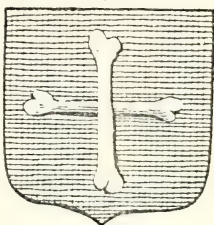


Fig. 1.



Lucas

Fig. 2.



Lucas

Fig. 3.



Fig. 5.



Fig. 4.

Lucas



Lucas's Bayre of Mulderdole.

LUCAS'S BAYNE OF NIDDERDALE.

EXPLANATION OF PLATE II., VOL. I.

Fig. 1. Traced from Fig. in Guillim (*Displaye of Heraldry*), Second Ed., 1632, Fol. p. 161). Arms of BAINES. (See p. 93, No. 1.).

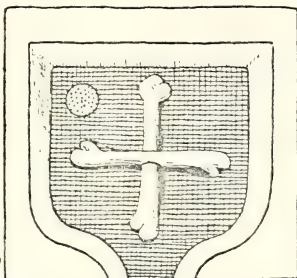
Fig. 2. Traced from Sir George Mackenzie (*Scotland's Herauldrie*, 1680, Pl. 53, Fig. 10). Arms of BAYNE. (See pp. 94, 103, No. 7).

Fig. 3. From a plaster cast by Mr. Ready, of an impression of an iron seal belonging to Sir William J. W. Baynes, Bart., taken by Messrs. Longman and Strongi'th'arm. (See p. 95, No. 3).

Fig. 4. Photograph of the arms on *Kilburn Hall*, Yorks. (See p. 96, No. 4).

Fig. 5. Traced from *The Irish Compendium*, 1732, 12mo. Vol. III., Pl. 22, Fig. 27. Arms of BAINES. (See p. 91, 'Ireland,' No. 2, and p. 96, No. 1, b.).

Fig. 1



A. G. H. H. H.
Aug 21/93

Fig. 2

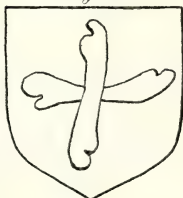
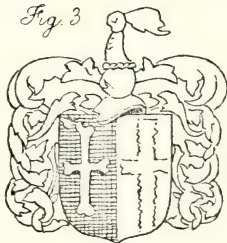


Fig. 3



C. H. H.

Fig. 5(a)



Fig. 4



Fig. 5 (b)

LUCAS'S BAYNE OF NIDDERDALE.

EXPLANATION OF PLATE IV., VOL. I.

Fig. 1. Seal of William Smith of Mollard Grange, Aldfield, near Ripon, quartering BAYNES of *Kilburn*. W.S. married JANE BAYNES in 1692. From a plaster cast by Mr. Ready. (See p. 106, No. 10, and under BAYNES of *Kilburn*).

Fig. 2. From a Photograph of Mural Tablet in S. Aisle of Ripon Cathedral. Arms of ROGER BAYNE, Attorney of *Ripon*, 1695. (See p. 107, No. 11, and under BAYNE of *Grewelthorpe*, Vol. II.).

Fig. 3. Seal of ROGER BAYNE, Jnr., second son of the above Roger, on Deed No. LII., dated 11 Feb., 1729, for which see under BAYNE of *Grewelthorpe*, Vol. II., and p. 107, No. 12, Vol. I. From a plaster cast by Mr. Ready.

Fig. 4. Seal of HEWLEY JOHN BAINES of *Bell Hall*, Yorks., impaling Mortimer. H. J. B. married Mary Mortimer, 1786. (See note, p. 218, and p. 110, No. 14). From a plaster cast by Mr. Ready.

Fig. 5. Seal unknown origin, BAYNE quartering *Stucley*. From a plaster cast by Mr. Ready. (See p. 112, No. 15).

Fig. 6. Reduced by Mr. E. H. H. Bruce from a sketch by Major Kenneth Baynes of the arms on Mural Monument in Merton Church, Surrey. Arms of WILLIAM BAYNES, of H.M. Customs, who died 1717. (See p. 113, No. 16).

Fig. 1



Fig. 2



2112

Fig. 3



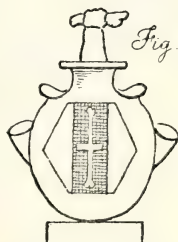
Fig. 4



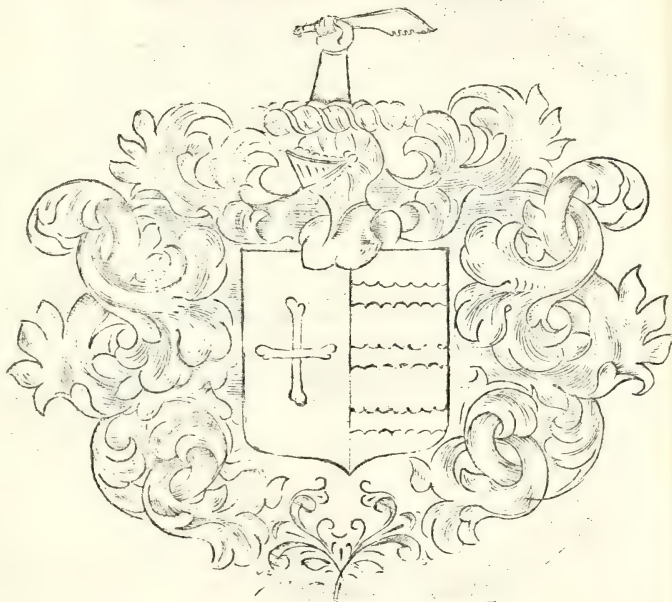
Fig. 5



Fig. 6



2113



Lucas's Bayne of Niddersdale

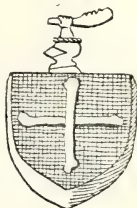


LUCAS'S BAYNE OF NIDDERDALE.

EXPLANATION OF PLATE V., VOL. I.

From a plaster cast, by Mr. Ready, of engraving on Silver-gilt Peg Tankard, now belonging to Sir William J. W. Baynes, Bart. (*See* pp. 108 to 110, No. 13).





Entrance



LUCAS'S BAYNE OF NIDDERDALE.

EXPLANATION OF PLATE VII., VOL. I.

Fig. 1. Reduced, by Mr. E. H. H. Bruce, from drawing by Mrs. Maude Louise Baynes, Mayoress of Ripon, 1894-5, of Monument in Skipton Church to JOHN BAYNES of Skipton, who was descended from the *Mewith Head* family. (See p. 121, No. 24).

Fig. 2. Seal of the Rev. EDWARD BAYNES, Rector of Week St. Mary, descended from the *Knostrop* family. From a cast by Mr. Ready of an impression in wax belonging to the Rev. Canon E. BAYNES BADCOCK. (See p. 125, No. 27).

Fig. 3. Seal of EDWARD BAINES the elder of the *Leeds Mercury*, now belonging to EDWARD BAINES, Esq., of Cawood, Apperley Bridge. From a plaster cast by Mr. Ready of a wax impression. (See p. 126, No. 28).

Fig. 4. From the arms of JOHN BAYNES, Esq., J.P., Mayor of Ripon, 1885-6, 1886-7, 1887-8, and 1894-5, on Silver Shield on Ripon Baldrick. (See p. 126, No. 29).



Fig. 2



Fig. 3



Fig. 4



Lucas's Bayne of Nidderhite.

No. 16. The Merton Monument. On a mural monument, above the Font in Merton Church, Surrey, erected about the end of the year 1717, by Walter Baynes¹ the elder, of the Middle Temple, to the memory of his brother, WILLIAM BAYNES, who died 30th September, 1717, and others, is a curious version of the arms and crest. In the *arms* the bone in fesse is cut off at both ends so as to leave the middle part about one-seventh of the length of the bone in pale. The pale bone seems to be of the Scotch type. The *crest* is different from any other. It is a couped arm, vested, without cuff, upright, and showing the back of the hand (in which respect it corresponds with Harefield), which holds what remains after cutting off the teeth-bearing part of the jaw, *i.e.*, the thin end of a jaw-bone, horizontally. The arms are at the top of the monument, and, being carved on white marble, are invisible without a ladder. The illustration is from a sketch by Major Kenneth Schalch Baynes (see Pl. 4, fig. 6).

No. 17. *Seal* of WALTER BAYNES the younger, of the Middle Temple, and Penelope Morison, of Preston Grange, county Haddington, Scotland, his wife. Baynes impaling Morison. Baynes true Cumberland type, corresponding absolutely with Kilburn: Morison, *quarterly*, first and fourth *Ar.*, three moors' heads couped *sa.*, two and one,

¹ Who was the eldest son of Richard Bayne of Limley, and added an 'S' to his name, as did his brother William.

banded of the first ; second and third, an eagle or vulture regardant. There is no crest. This seal is crystal, set in gold, and is on the bunch in the possession of Sir William J. W. Baynes, Bart. This Walter was born 1713, was married before 1742, and died 1775 (see Pl. 6, fig. 1).

No. 18. Harefield Monument. In Harefield Church is a mural monument to WILLIAM BAYNES, of Harefield Place, (a descendant of the Kilburn family, whose name was spelt BAYNE, *Regist of admissions to Gray's Inn*, May 12th, 1652, and BAINE, *Subs. Roll* $\frac{216}{462}$ 25 Car. II, 1673), who died 25th November, 1798. *Arms*, apparently Scotch type, but not a good copy. *Crest*, an arm couped below wrist, upright, vested, without cuff, rising out of a wreath, supported on an Esquire's helm, showing the back of the hand holding a jaw-bone teeth upwards. The hand and arm correspond with those on the Merton monument. (Plate 6, fig. 2.) From a sketch by Major K. S. Baynes.

No. 19. *English Grant of Arms* to CHRISTOPHER BAYNES, Esq., son of the last named William, 30th March, 1801, before he was created a Baronet (29th June, 1801).

"To all and singular to whom these presents shall come, Sir Isaac Heard, Knight, Garter Principal King-of-arms, and Thomas Lock, Esquire, Clarenceux King-of-arms of the South, East, and West parts of England from the River Trent southwards send greeting. Whereas Christopher Baynes, of Harefield Place, in the County of

Middlesex, Esquire, only surviving Son and Heir of William Baynes, late of the same place, Esquire, hath represented unto the most noble Charles Duke of Norfolk, Earl Marshal and Hereditary Marshal of England, that he is lineally descended from a family of Bayne, of Middlesmoor, in the County of York, entered in the Heralds' Visitation of that County, Anno 1612, that in common with several other families, whose Pedigrees were entered at the said Visitation there are not annexed to the said entry any Armorial Ensigns for the Family of Bayne of Middlesmoor and being unwilling to continue the use of Armorial Ensigns without unquestionable authority He therefore requested his Grace's Warrant for our granting and exemplifying the same with such variations as may be proper to distinguish his Family from all others of the name to be borne by him and his Descendants and by Descendants of his late Father William Baynes Esquire according to the Laws of Arms. And Forasmuch as the said Earl Marshal did by Warrant under his Hand and Seal bearing date the fourteenth day of March Instant authorise and direct us to grant and exemplify such Armorial Ensigns accordingly—Know ye therefore that we the said Garter and Clarenceux in pursuance of the consent of the said Earl Marshal and by Virtue of the Letters Patent of our several offices to each of us respectively Granted under the Great Seal of Great Britain Do by these Presents grant and exemplify to the



said Christopher Baynes the Arms following that is to say Sable a shin bone in Fess surmounted of another in Pale Argent on a canton of the last a vulture proper. And for Crest on a wreath of the colours a Cubit Arm vested Azure Cuff Erminois, the hand holding a Jawbone Argent as the same are in the margin hereof more plainly depicted to be borne and used for ever hereafter by him the said Christopher Baynes Esquire and his descendants and by the descendants of the said late Father William Baynes Esquire deceased with due and proper differences according to the Laws of Arms without the let or interruption of any person or persons whatsoever. In Witness whereof We the said Garter and Clarenceux King of Arms have to these Presents subscribed our names and affixed the Seals of our several Offices, this thirtieth day of March, in the forty first year of the Reign of our Sovereign Lord George the Third by the Grace of God of the United Kingdom of Great Britain and Ireland King Defender of the Faith etc. and in the year of our Lord one thousand eight hundred and one. Isaac Heard Garter Principal King of Arms. Thomas Lock Clarenceux King of Arms." (No. 19,a).

For this coat-of-arms, see Seal of the above Christopher Baynes, Plate 6, fig. 3, from an impression in wax, taken from the seal, struck before he was created a Baronet, in possession of Christopher W. Baynes, Esq. ; and (seal, Plate 6, fig. 4) arms of Sir Christopher, under the above grant

but with the hand added, impaling Gregory. Seal struck after he was created a Baronet, 29th, June, 1801. (No. 19,b).

Now a word as to the necessity for this grant. William Baynes had been unnecessarily exercised by the information he obtained at Heralds' College in Aug., 1767, as to the Knostrup arms. Even these were not impeached, but as to his own, as I show below by my searches into old deeds and letters, by the *iron seal*, and the *arms* carved on Kilburn Hall, either William Baynes or Christopher must have satisfied himself as to the ancient right descending to him with his blood to bear the cross-bones of the *Cumberland* type in any case. But here we find a curious paradox, viz. : A grant by the English Heralds' College, London, of arms of the *Scotch type*—perfectly true even to the positions of the lobes of the bones, and coinciding exactly with the figures in Sir George Mackenzie (No. 7, above), from which they were evidently taken. The Kilburn family had borne arms of the true *Cumberland* type, as is proved by the Iron Seal, and the arms on Kilburn Hall.

But in prosecuting the enquiry into the genealogy of the Kilburn family, which had been initiated by William Baynes in August, 1767, Christopher believed he had traced his family back to Walter Bayne, of Limley, in Nidderdale.

This grant by Heralds' College is, therefore, an unreserved and an unqualified admission of the Scotch descent of the Nidderdale Family of Bayne, and of their right to bear arms

of the Scotch type. Else why did they not simply confirm those of the Cumberland type which had so long been borne by the family? The vulture was added for a difference. This grant, as an official recognition and admission of the Scotch descent of the family, is the more to be noted, as at the present time (1893), and most likely at that time (1801), all the families of Bayne entitled to bear the cross-bones for their armorial ensigns are and were long extinct in Scotland.

Exactly three months after the date of the above grant, Christopher Baynes was created a Baronet of England.

No. 20. *Scotch Grant* to Sir Christopher Baynes, Bart.

“To all and sundry whom these Presents do or may concern. We Thomas Robert Earl of Kinnoull &c., Lord Lyon King of Arms for Scotland do hereby Certify & Declare that the Ensigns Armorial pertaining and belonging to Sir Christopher Baynes of Harefield Place in the County of Middlesex Baronet of the United Kingdom of Great Britain and Ireland descended of the ancient family of Bayne settled in the County of York in the Kingdom of England for many centuries but originally from the Kingdom of Scotland: are matriculated in the Public Registers of the Lyon Office & are Blazoned as on the Margin thus, viz. Sable a Shin Bone in fess surmounted of another in Pale Argent, on a Canton of the last a Vulture proper: above the Shield is placed an Helmet befitting his Degree

with a mantling Gules, the doubling argent & on a wreath of his Liveries is set for crest a cubit arm erect, vested azure, cuffed erminois the hand grasping a Jaw Bone argent & in an escrole this motto Furor arma ministrat,¹ on a compartment below the Shield are placed for supporters Two savages wreathed about the head and waist with Holly, holding clubs over their arms, all proper, Which Armorial Ensigns above blazoned We do hereby Ratify Confirm and Assign to the said Sir Christopher Baynes Baronet & the Heirs male of his Body as their proper Arms and Bearing in all time coming.

“In testimony whereof these Presents are subscribed by James Horne of Linhouse Esquire our Deputy and the Seal of our Office is appended hereunto at Edinburgh this Tenth Day of June in the year One Thousand Eight Hundred and Five.

(Sgd) James Horne.

Lyon Office 10 June 1805.

The Patent is duly endorsed in the records of the Lyon Office by John Ker, L.A.C.”

The Original English and Scotch Grants are in the possession of Sir Wm. J. W. Baynes, Bart.

For this coat-of-arms see *Seal*, the property of Sir Wm. J. W. Baynes, Bart., (Plate 6, fig. 5) of Sir Christopher Baynes, the crossbones, in part surmounted by an escut-

¹ This is the first appearance of this motto which I have seen.

cheon of pretence bearing the Ulster hand, impaling Gregory; with the supporters. Here we find the official recognition and Admission of the Scotch descent by the English Heralds' College confirmed and ratified by the Scotch Heralds' Court. *Crest*.—Baynes, hand not bent over, holding jaw-bone, teeth downwards, horizontally. Bend of the jaw prolonged to a point. The *Motto* 'Furor arma ministrat' is taken from Virgil, *Æn.* I., 150, (the whole line being :

"Iamque faces et saxa volant : furor arma ministrat."
(‘Now stones and torches fly, rage supplies arms’) and is given of course in reference to the haphazard and primitive weapon the jaw-bone.

No. 21. Sir William Baynes, second Bart. Erroneous figure in Burke's *Peerage*, 1861, makes the teeth of the jaw turn *upwards*, otherwise agreeing with the Scotch grant of June 10th, 1805. *Motto*.—Furor, etc.

No. 22. Rev. Donald Christopher Baynes, Rector of Thruxton, third son of Sir Christopher. *Seal*, from an impression belonging to Sir Wm. J. W. Baynes, Bart. Mullet of five points above bone in pale, for third son : no supporters; otherwise agreeing with English grant, 30th March, 1801, and with Scotch grant, June 10th, 1805.

No. 23. Sir William John Walter Baynes, 3rd Bart. From his book-plate. Bones as in Scotch type, from grant of 1805, with vulture on its canton. Baynes impaling Stuart,

the Ulster hand on an escutcheon, at the summit of the line of division. *Crest* on a Baronet's helm, a hand couped at the wrist, cuffed erminois, a dexter hand, slightly bent over and holding the jaw-bone at a high angle, as in Cumberland type, not quite so high as in Iron Seal. Supporters varying from those of Scotch grant. Dexter savage holding club over right shoulder; sinister, with left arm raised, holding club by handle, thick end downwards, resting on wreath on his hip. *Motto* on a riband above crest. Stuart, arms of Lord Blantyre's family, or a fesse chequy arg. and az., surmounted by a bend engrailed, differenced by a cordure az., charged with two mullets of five points at top, and another in lower edge of shield. Sir William was right in reverting to the oldest known form of Crest, as regards the position of the hand and jaw-bone.

A person may vary his crest and supporters, but not his paternal shield.

No. 24. John Baynes, of Skipton (descended from the family of Mewith Head and Bentham, a member of the Kirkby Lonsdale group, always spelt with the 's' from 1379 at least), who died January 3rd, 1820. From a tablet on the south side of the tower in Skipton Church, copied by Mrs. John Baynes, of North Villa, Ripon, June 27th, 1893. Bone in fesse surmounted by that in pale. Agreeing in this with the Scotch type, and in the larger lobe of the bone in pale turning to the dexter side at top;

bottom lobe an unfaithful copy of Scotch type, the larger bearing to dexter side; lobes of bone in fesse also unfaithful: there is one lobe only at dexter end turning up, the larger lobe at sinister end turning down, instead of up, as in Scotch type. A bezant in the dexter point of the chief, as on Mewith Head Stone and Knostrop, which is Cumberland type. *Crest*, on a wreath of the colours, a cubit arm, vested, *cuffed erminois* (taken from Sir Christopher's grant!) hand not bent to one side, but holding jaw-bone, teeth downwards at an angle, as in Knostrop. All made up from bad copies, and various examples, and corresponding with no other coat-of-arms or crest. Arms and crest carved in marble, uncoloured (Pl. 7, fig. 1).

No. 25. Baynes, impaled with arms of Netherwood, same as No. 24. Copied by Mrs. Baynes at same time as No. 24 from tablet on north side of tower of Skipton Church, erected to the memory of Christopher Netherwood, Esq., who married Anna Maria only sister of the above John Baynes (who was an only son), and died April 19th, 1834.

Arms and crest heraldically coloured. Crest that of Netherwood.

The last two, Nos. 24 and 25, do not agree with those on the stone at Mewith Head Hall, but are founded on the arms asserted, but not proved by Robert Baynes, of Mewith Head in 1665, for which see No. 6 (a) above, with the ancient

bezant and a Baynes crest corresponding with no other, the jaw-bone being from Knostrop, the arm from Cumberland type, but taken directly from Sir Christopher's grant, with which Knostrop does not agree as far as regards the arm.

No. 26. Christopher W. Baynes, Esq., has in his possession *de jure emptoris* a quarry of glass, on which is engraved the effigy of a warrior in full armour, with a coat-of-arms of the Mewith Head and Skipton type of cross-bones, and the *bezant* of Knostrop, and a crest corresponding to the *Skipton* form. Round this truly martial figure is the following legend, engraved with a crystal of corundum or some other sharp pointed gem, so as to read outwards in the manner of an evolute: "Of your charytie praye for the soule of Robertus Baynes whyche Robert deceased yē XII day of December a thousandth fyve hundreth and nynty three on whose soule and all chrysten souls Jesu have mercy. Amen. Marmora quid celas, Sculptor? quid inane Sepulchrum? Exigit monumentum ære perennis præsonia verbi divinaque preces sunt Epitaphium fingere si quid vis Phœnicem singe suorum jam prolem cinerum, morte superstitem." The intelligent reader will have detected six mistakes in the Latin verses. A Memorandum in the handwriting of an educated man, in which the ink is very much faded, which taken with the fact that the writer begins by reciting the passage commencing "Ralph Baynes, Bishop of Coventry

and Litchfield," p. 106, of the 1715 Edition of Thoresby's *Ducatus Leodiensis*, proves that it was written before the publication of Whitaker's Edition of 1816, in which this passage occurs on p. 100. Now the adaptation of the Latin verses was a singular error of judgment. The verses, of which so garbled a version is given above, and which the true version shows to be a singularly beautiful and scholarlike production, I have myself seen engraved on the black marble monument of *John Harrison* in St. John's Church, Leeds, who built St. John's Church at his own cost. It run as follows :—

"Marmora quid caelas, Sculptor, quid inane Sepulchrum?
 Exegit monumentum .Ere perennius :
 Templum pro Tumulo, Sacri Praeconia Verbi,
 Divinaeque Preces Sunt Epitaphium.
 Fingere si quid vis, Phœnicem finge suorum
 Iam prolem cinerum morte superstitem."

Of these the following is a translation :—

‘Why dost thou chase the marble, Sculptor, why the empty tomb?’ He required a monument more lasting than brass : This Church is to him a tomb : The company of the Preachers of the Sacred Word, the Prayers Divine, are his Epitaph. If you would fashion anything, mould the Phœnix the now offspring of his ashes [*i.e.*, the Church of St. John] which survives in death.’

The rest of the epitaph of John Harrison will be found

* John Harrison was buried in his own garden. The monumental tomb in St John's is a Cenotaph.

on pp. 30, 31 of that very rare and curious work, Thos. Gent's 'Journey into some parts of Yorkshire ; particularly to Pontefract, Wakefield, and Leeds,' of which a copy without title page is bound up with Thos. Gent's History of Ripon, 1733, 8v°, lent me by Christopher W. Baynes, Esq.

On the Memorandum above the ridiculous Chattertonian Epitaph on 'Robert Baynes,' are the words, "Inscription on Monumental Brass," but care has been taken not to mention the name of any town or church. On the glass itself, above the effigy of our martial friend and his surrounding epitaph, is engraved the Legend 'Eboracum, XIII.,' so as to draw away attention from Leeds. The helical manner in which the epitaph is written is to give the semblance of antiquity. The Epitaph proper, by itself critically examined will not stand. Take only 'the soule of *Robertus* Baynes,' which stamps it.

No. 27. The following description was kindly furnished by Miss Isabel Baynes Badcock, of Somerleaze, Wells :— Canon E. Baynes Badcock, of Somerleaze, Wells, Somerset, possesses the impression of a seal made in Exeter, *circa* 1800, which belonged to his grandfather the Rev. Edward Baynes, Rector of Week St. Mary, Cornwall (7th son of Robert Baynes, Esqre., of *Knowstrop*, and his wife Katherine, *née* Wogan). (Pl. 7, fig. 2).

The arms on the seal conform to the Cumberland type as regards the crossing of the bones, but the larger lobes on



the pale bone are on the dexter side both at the top and bottom, and on the fesse bone above at both ends. A bezant in the dexter point of the chief. *Crest*: out of a wreath of the colours, a dexter arm proper couped at the wrist sleeved and cuffed argent, the hand holding a jaw-bone proper teeth downwards. A label, with the motto "Vires ratione gubernata" on it runs round three sides of the shield.

On the box containing the impression of the seal is the name of the maker: "Lewis, Magdalen Street, Exeter."

No. 28. EDWARD BAINES, the elder, (B. 1774) of the *Leeds Mercury*. Seal, bloodstone, set in gold, in possession of his great-grandson Edward Baines, Esq., of Cawood, Apperley Bridge, 1893. *Arms*, Cumberland type, crossed the Scotch way. *Crest*.—A cubit arm, vested, cuffed, the hand holding a jaw-bone horizontally, teeth downwards. *Motto*.—Furor arma ministrat. (Plate 7, fig. 3).

No. 29. JOHN BAYNES, ESQ., J.P., Mayor of Ripon, 1886-7-8. From his shield on the Ripon Baldric. *Arms*: true Cumberland type, corresponding with those on the Iron Seal and Kilburn Hall (see Pl. 7, fig. 4).

POSTSCRIPTUM.

I note in Vol. X of the Pipe Roll Soc. Pubs., Pt. I., 1888, p. 5, that one of the witnesses to Charter No. 4 [1107-1118] is JOHANNES DE BAIOCO. In a note the

Editor says : " JOHN DE BAYEUX was a natural son of ODO Bishop of BAYEUX and was one of the King's [Hen. I's] clerks." This was before the time of RANNULF the Baron DE BAYEUX. ODO was maternal brother of William the Conqueror, and Earl of Kent. He held about 400 fiefs in England. His Earldom was claimed by his brother Robert Earl of Mortagne, as his heir, but not granted to him. What became of Odo de Bayeux's lands in England after his death in 1103 ? Was his son John the father of Rannulf ?

No. 6 (b). The substitution of the accurate drawing made October 4th, 1894, by Mr. W. T. Shuttleworth of Skipton-in-Craven, Art Master, of the arms on the Stone at Mewith Head Hall, for the rough sketch of Mr. T. Benson P. Ford, necessitates the following corrections in the description given under No. 6 (b) above. For 'a plain cross' read 'a cross engrailed.' The bones are true Scotch type crossed the Cumberland way. What is perhaps more important is that there is a *bezant in the dexter point of the chief*. The stone bears the arms of RALPH BAYNES of *Mewith Head*, and ANNE (daughter of Robert Bankes of Giggleswick, Attorney-at-Law) his wife, and was certainly erected when the house was built by Ralph Baynes *temp.* Jas. I. Their eldest son ROBERT was born 1628. This is the Robert who proved the *Pedigree*, but not the arms, though he had the proof in this stone, before Sir William Dugdale in 1665 [see No. 6 (a)].

CHAPTER VIII.

§ I. A CHRISTENING AND TWO FUNERALS.

We are told that when the little King of Spain was being christened, "His Majesty protested several times in a loud voice." Not without protest has the ceremony of rehabilitation been performed upon the ancient and erstwhile noble name of BAYNES, in restoring it to its original DE BAYEUX. Shortly stated the proof is as follows: HUGO DE BAIUS or DE BAIOCIS bore on his 2nd Seal the cross-bones which afterwards became the coat of arms of families named BAYNES, and BAYNE. DE BAYEUX was frequently written in the Latin form DE BAIOCIS. Bayous, Bayeus, has been read as Bayons, Bayens, and the same person in a certain Document is called BAYONS and BAIOCIS, as proved by Mr. C. T. Martin, of the Record Office. BAYONS, BAYENS, and BAYNES, were written indifferently, as forms of the same name. BAYN, and BAYNE, come equally through the forms BAYON, BAYEN, and from abbreviation in writing. Baynes and Bayn were probably originally pronounced the same, the *s* being mute. Further, with a

slight overlap, the name Baynes, or Bayne, is not to be found in early documents except in the forms of DE BAYEUX given in Chap. VII., and the name DE BAYEUX disappears with the Norman-French period, but continues in its Anglicised form. In short Baynes or Bayne is an Anglicism of DE BAYEUX, or the adjective *Baiocensis*.

But what of the "tradition." Unfortunately for it, I know too much of its history, by whom and when it was invented. Suffice it to say that the story of descent from Donald Bane was invented by one who is known, in or about the first year of this century, and told by Betham. Debrett is guarded—"is supposed to have received its name"; Weatherhead less so:—"are said to be descended." But William Grainge firsts invests this myth with the character of a "tradition" in amplifying Weatherhead—"are traditionally said"—for all of which see p. 2.

So with the "Pedigree" or rather "Alleged Pedigree" seen by Walbran, of which I also have seen two copies, which may always be identified by its title: "Genealogy of the house of Baynes from Walter the fifth in descent from Donald surnamed Bane, the 87th King of Scotland, who began his reign A.D. 1093," and commencement: "Walter who migrated from Scotland 1182, had issue Walter born about 1160," &c.; and from the entry cited by Walbran: "Christopher, born 1603, was the first of his line who about 1673 or 1675, signed his name according to the present orthography," *i.e.*, Baynes.



There is little satisfaction in killing a dead horse, but those who possess copies of this precious document will do well to compare certain entries in it with the proved facts given in the following work relating to the same dates, *e.g.*, "Walter settled at Middlesmere in 1284 where he entertained King Edward I., who stood Godfather to his eldest son." Now at that date Middlesmere, which is in Nidderdale, was not in existence, and the Baynes did not enter Nidderdale till about the middle of the 15th Century. Again: "Edward, born 1493 (ten years after the incorporation of Herald's College), was the first who took the present family motto: 'Furor arma ministrat'." The first appearance of this motto is in the Scotch Grant to Sir Christopher Baynes, 10th June, 1805, as shown above. Again, "Walter of Limley" is made to have only two sons "Christopher" and "Walter." Now Walter of Limley has left a Will¹ in which he names his four sons: 1, William; 2, Richard; 3, Christopher; and 4, John (*see* LIMLEY below).

Christopher of Kilburn is made to have two sons "Edward" and "Christopher." He had two sons Christopher by his first and William by his second wife. William of Kilburn, born 1722, is made the son of Christopher, whereas he was the son of William. Christopher, born 1755, is called the present Baronet; which suggests that this Document was not concocted in England, otherwise

¹ Dated 7th May, 1615. Registered at Masham, *Regr. Bk. I.*, p. 242.

the author would have known that he was the first Baronet.

Who the "Edward" mentioned above really was I will show in an Appendix, but I may as well give the whole entry respecting him as he is the ancestor of a somewhat distinguished family of soldiers. "Edward, born 1644, went over to Ireland with Sir Arthur Gore, afterwards Earl of Arran, and settled there."

Many other disproofs of this Alleged Pedigree will be found in the following pages.

§ 2 (A). EARLY NOTICES OF THE NAME BANE, BAYN,
BAYNE, ETC., IN YORKSHIRE.

Besides the names given in Chapter VII., § 2, pp. 76 *et seq.*, a few other scattered notices may be thrown into the following uncomfortable group. The name of 'John Bayne Bayliff of York, 1319' must be struck out from the inaccurate Thos. Gent (*Hist. of York*, 1730, p. 203) since Francis Drake (*Eboracum*, Lond., 1736, *Fol.*, p. 360) gives the name as John Raine.

YORKSHIRE GENERALLY.

ADAM DE BANE, 1153.

KIRKBY MALZEARD, GREW-
ELTHORPE, RIPON, AND
NIDDERDALE DISTRICT.

No Bayne 1272, 1276, 1285 (*Testa
de Neville, Hundred Rolls,
Kirby's Inquest*).

JOHN BAYN, *Kirkby Malzeard*,
1361.

JOHN BAYN, *Ripon*, 8th October,
1375. (*Memor. of Ripon*, Surt.
Soc., Vol. 74, p. 195).

YORKSHIRE GENERALLY.

ADAM DE BANE, 1153.

ROBERT BAYNE, Vicar, *Ainderby Steeple*, 1396. (Torre's *Archd. of Richmond*, p. 1771).RADULPHUS WILLIELMUS BAYNE, Presbyter, *Weston near Otley*, 21st Oct., 1416, to his death, 1st Oct., 1421. (Torre's *Particulars* in Whitaker, *Richmondshire*, p. 983.)JOHN BANE, *York*. Will dated 22nd Sept., 1438. Proved Oct. 4th, 1438, at *York*.RALPH BAYN, *Lundcote*, *Kirkdale*. Will dated 6th Sept., 1479; Proved 9th December, 1479. wife JOHANNA, sons JOHN sen. WILLIAM, THOMAS, JOHN, jr. and 2 daughters.

See § 1B.

KIRKBY MALZEARD, GREW-
ELTHORPE, RIPON, AND
NIDDERDALE DISTRICT.No Bayn, *Nidderdale*, *Kirkby Malzeard*, 1379-80.JOHN BAYN, Wakeman, *Ripon*, 1437. (Thos. Gent, *Hist. of Ripon*, 1733, p. 140).

See § 3B.

JOHN BAYN, *Bewerley Moor*, before 1457.MILO BANYS and GEORGIUS, BANYS, (?) *North Stainley*, 20th Aug., 1459, 2nd May, 1460.JOHN BAYNE, } *Growelthorpp*
RICHARD BAYNE, } 4-18 Mar.
1460-1.WILLIELMUS BAYNE, *Kirkby Malzeard*, 23rd Jan., 1468-9.JOHN BAYN, *Bishopside*, 1475.RALPH BAYNE, } *Middlesmoor*
JOHN BAYNE, } *Chapelry*
MILES BAYNE, } 15th Nov.,
RALPH BAYNE, JR. } 1484.CHRISTOPHER BAYNE, *Brighouse*, 1496-1520.JOHN BAYNE, } 20 Nov.,
Middlesmoor. } 1498.
19 Feb.,
1498-9.
THOMAS BAYNE, } 15 Oct.,
Hobrain (Hobgreen). } 1499.CRISTOFER BAYN, (Foreman of Jury, *Kirkby Malzeard*), 15th Oct., 1499.THOMAS BAYN, *Ripon*, } Will dat'd
ROGER BAYN, witness. } 4th July,
1502.

RALPH BAYN, son of Thomas and Exor. of his mother.

JOHANNA, wife of THOMAS. Will 1504.

I need not carry this farther. We must take it up in another way.



B. EVIDENCES OF FAMILIES OF BANE, BAYN, BAYNE,
IN YORKSHIRE, OUTSIDE THE NIDDERDALE AND
KIRKBY MALZEARD DISTRICT.

NORTH RIDING WILLS.

1. The Will of JOHN BANE, of *York*, Dated 22nd Sept.,
1438, and Proved 4th Oct., 1438.

"Ego JOHANNES BAYNE de Ebor[aco] compos mentis mee, condo et ordino testamentum meum in hunc modum . . [the Soul and body clause] *Item* pro mortuario meo optimam togam meam pro corpore meo aptatam. *Item* ijs cere circa corpus meum die sepulture mee comburendas. *Item* Rectori ecclesiae Sancti Michaelis de Boreford pro decimis et oblationibus meis ibidem oblitis xij^d. *Item* ad usum et commodum camere consilii super *pontem Use* lego xx^s. Residuum vero omnium bonorum meorum do et lego ELENE uxori mee libere et quiete, hujus autem testamenti mei dictam ELENAM uxorem meam executricem meam facio et ordino ad omnia premissa fideliter perimplenda. In cujus rei testimonium huic presenti testamento meo *Sigillum meum* apposui. Datum die, loco, et anno supradicto."

Probate granted by the Exchequer Court of York, 4th October, 1438, to the Executrix in the s^d. Will named.

(*York. Register Book* 3, fo. 545-6).

I have given all but the Soul and body Clause of this the first Will. He leaves to the Chamber of the Council on the Ousebridge 20s., and the rest of his goods to his wife ELENA, whom he appoints Executrix 'that all the premises may be faithfully fulfilled.'

There is no mention of Children.

2. The Will of RALPH BAYN of *Lundcote*, Kirkdale, dated

6th Sept., 1479, Proved 9th December, 1479. . . .

"Ego RADULPHUS BAYN, de *Lundcote*, parochie de *Kirkdale*, sane mentis et memorie condo testamentum meum in hunc modum . . . [Soul and body clause. I will continue in English] . . . body to be buried in the churchyard of St. Gregory of *Kirkdale* . . . [several priestly legacies] . . . *Also* I leave to JOHANNA my wife a third part of all my lands and tenements during her life and after the decease of the same JOHANNA I will that the s^d third part remain to the heirs of my body lawfully begotten. *Also* I leave to the faculty of the Church of *Kirkdale* xx^d. *Also* I leave to one priest fit to celebrate a trental of masses v^s. *Also* I leave to the Abbot and Convent of Ryvax for the absolution of my body (corporis mei) x^s. *Also* I leave to the four Orders of Friars in the City of York to be divided among them ii^s. *Also* to the faculty of the church of Kirkby-in-Cleveland [2 m. s. of Stokesley] xij^d. *Also* I leave to the bridge of Newesholme [over the Wiske between Newsham and Kirkby Wiske] xij^d. *Also* to the faculty of the Cathedral Church of the blessed (beati, which I suppose is equivalent to 'Saint') Peter at York iij^d.

Also I leave to JOHANNA my wife all the utensils now being within my house. *Also* I leave to JOHN senior my son one horn mounted with silver (Johanni filio meo seniori unum cornu argent[o] harnesiatum—*lit.* 'harnessed with silver'). *Also* I leave to WILLIAM my son one 'harnessed' with silver (unum gestrum argent' harnesiāt'). *Also* I leave to THOMAS my son one belt 'harnessed' with silver (unam zonam argent' h'nesiat'). *Also* to JOHN junior my son (Johanni filio meo juniori) vi^s. viij^d. *Also* I leave to ELIZABETH my daughter one girdle 'harnessed' with silver. *Also* to ELENA my daughter vi^s. viij^d. But the residue of my goods not bequeathed above I give and bequeath to JOHANNA my wife JOHN senior my son WILLIAM and THOMAS my sons, and I ordain and constitute them my executors to dispose for the safety of my soul according to the best manner they may see to effect that object with them. But I ordain and make Supervisors Master Lawrence Pacock vicar of Salton [4 miles S.E. of *Kirkdale*] and William Womylton of Womylton [Wombleton 1 mile S. of *Kirkdale*]. In testimony of which, etc. . . . These being witnesses Master Edmund Baxster, chaplain, William Loderington, and Thomas Browne."

"Probate granted by the Exchequer Court of York, 9th December, 1479, to three of the Exors. in the s^d. Will named, power being reserved of making the like grant to

John Bayne the Elder the other Exor. therein named."

(York Register Book 5, fo. 165-6).

I have never met with another instance of a man having two sons of the same name. One of these was probably JOHN BAYNE of *Nonington*, and the other perhaps JOHN BAYNE of *Souerbie*.

3. The Will of JOHN BAYNE, of Nunnington, which is 4 miles S. of Kirkdale, dated 10th September, 1531, Proved 25th January, 1532.

"Ego JOHANNES BAYNE, de *Nonington*, compos mentis et sane memorie condo testamentum meum in hunc modum. [Soul and body clause] . . . body to be buried in the churchyard of All Saints of Nonington. Also I leave to the high Altar vij^d. [Then it goes on in English]. Also I gif to a stoke ward to helpe to fynde a light before our ladie for ev', v^s. Itm I gyve my wif all the goodes in the house to bringe upe hir childer. Itm I gif to GEORGE BAYNE, xxvj^s. viij^d. Itm I gif to RICHARD BAYNE my sone a cowe. Itm I gif to Biland Abbaye one quarte wheate to be absolvyd of them. Itm I gif to the Church warke xij^d. The residue of my goodes not bequest my dettes paid I gif to AGNES my wif and RICHARD my sone whome I make my Executors. Also I will desire Thomas Buttellar and Christopher Pateson to be supervisors that this my will may be fulfilled. Witness hereof Thomas Butlar, Sir William Bug, Henry Edward, and William Brabyner."

"Probate granted by the Exchequer Court of York, 25th January, 1531-2, to Agnes the Relict of the deceased one of the Exors. in the sd. Will named. Power being reserved of making the like grant to RICHARD BAYNE (a minor) the son of the deceased the other Exor. therein named."

(York. Register Book 2, fo. 1).

The Will of RICHARD BAYNE of *Hynderwell* (? the above named) was dated March 28th, and Proved August 18th, 1547, but I have not seen it.

The Will of THOMAS BEINE, of *Cawton*, par. Gillinge, was dated Mar. 14th, Pr. July 6th, 1539, but I have not seen it.

6. Will of JOHN BAYNE of *Cawton* and *Stainegraive*. . .

"In the name God Amen the fourte day of November the yere of or Lorde God a m^l v^e xl and neyne [1549], I JOHN BAYNE good of mynde and hool of remembrance make this my last Will, &c. . . [Soul clause] . . my bodie to be buried within the church yerde of Allhallowes of *Kirkeby Moresheade* [K. Moorside]. *Item* I give to THOMAS BAYNE 20s. *Item* I give to ELSABETH BAYNE a yewe and a lambe. I give to my brother RAUF BAYNE and to his heires for ev' all my landes and tene-mentes in *Cawton* and *Stainegraive* in the countie of Yorke, and of that said landes I have maide hyme a dede of gifte to him and to his heires and my will is that my broder RALF BAYNE shall have all the dedes of the saide lande which I delyvered to James Freare to kepe to the use of me and my heires which he promysed fathefully to deliver again whan they should be called for. *Item* I give John Freare a geld cowe. *Item* I give John Skelton a quie stirke. *Item* . . . Brian Skelton wife a garded cowe. *Item* . . . Rauf Freare a browne stott to be good to my brother and to help hym in his neide. *Item* . . . Robte Cowisten a yewe and a lambe. *Item* I make Maister Herrie Eden my surviour of my Will. The residue of all my goodes and my land my dettes and my legacies paid I give to my brother Ralfe Bayne frelie whom I maike my full executor. . . Witnes herof my curate St. John Poyde, John Wood, William Hoggarte, Christofer Foster, John Humble."

"Probate granted . . . York . . . 2nd December, 1549, to the sde Exor. in the Will named."

(York. *Register Book*, 13, fo. 598).

The Will of JOHN BAYNE, of *Souerbie*, [$\frac{1}{2}$ mile S. of Thirsk].

"In the name of God Amen in the yere of or Lord God 1562, that I JOHN BAYNE of *Souerbie* . . . make this my last Will . . . [Soul clause] . . my bodie to be buried in the Church yerd of *Souerbie*. *Item* I gyve to every one of William Peirson children a gymer lambe, and to ther mother a gymer lambe. *Item* I gyve to George Hushwaite wyf

and to hir sone and to either of them a gimer lambe. *Item* I gyve to ELLYNE my doughter a flanders Chist. *Item* I gyve ELIZ. my doughter the best bras pot. *Item* I gyve to CHRISTOFER my sone sex lode of barke. *Item* I will that M'gret Smyth have the house in *Knaton* [3½ miles N. of Thirsk] during hir lyf for hir ferme paynge. All the rest of my goodes . . . I gyve them to ANNES my wyf to CHRISTOFER my sone, to ELIZ. and to ELLINE my doughters whom I make my Exceutors of this my last Will and Testament. Thes beyng witnesses Robt. Howton and Matthew Anderson with other mo."

"Probate granted . . . York . . . 28th April, 1563, to Agnes the relict . . . and Christofer the son of the deceased two of the Exors. &c. . . . Power being reserved of making the like grant to Elizabeth and Ellen Daughters of the deceased the other Exors. when they apply for the same."

(*York Register Book*, 17, fo. 239).

On the following page will be found a "Provisional Table showing Possible connections of the Testators and Persons named in the above Wills."

§ 3. BAYN OF NIDDERDALE.

A. GENERAL PREMISES RESPECTING NIDDERDALE AND GREWELTHORPE.

The *Testa de Neville* mentions no Bayn in Yorkshire, Temp. Hen. III. and Ed. I. [*circ* 1272] except one of the Lincolnshire family. The *Hundred Rolls*, 4 Ed. I., 1276, do not mention *Middlesmoor*, or *Lofthouse*, or the name of BAYN; but they do mention *Angram*, where lived Willm de Angram; *Wodehale* where John le Vavasur was living and had enjoyed free warren for 30 years past; and

PROVISIONAL TABLE SHOWING POSSIBLE CONNECTION OF THE TESTATORS AND PERSONS NAMED
IN THE ABOVE WILLS.

John Bayne of York, = Elena
w.d. Sep. 22, 1438, | No Will
Pr. Oct., 4, 1438. | or Admon.

No children
mentioned.

KIRKDALE.

Radhulphus Bayne de = Johanna
Lundecote w.d. Sep. | No Will
6, Pr. Dec. 9, 1479. | or Admon.

I

John Bayne, junior, (?) of <i>Sowerbie</i> , w.d. 1562 = Annes Pr. April | 26, 1563.	Thomas Bayne, (?) Thomas Bayne of <i>Caton</i> , par. Gilling, w.d. March 14, Pr. July 6, 1539.	William Bayne, (?) of Hildyke, par. Wighill, w.d. Oct. 3, 1551, Pr. Feb. 6, 1551-2.	John Bayne, senior, (?) of <i>Wangton</i> , = Agnes w.d. Sept. |	Elizabeth.	Elena.	George Bayne, living Sept. 10, 1531.
Christopher Bayne.	Ellen Elizabeth	Rauf	John Bayne of <i>Caton</i> , w.d. Nov. 4, 1549, Pr. 2 Dec., 1549.	Richard Bayne, a minor, 25 Jan., 1531-2.	(?) of <i>Hynderswell</i> , w.d. Mar. 28, Pr. Aug. 18, 1547.	



Ponteburg, the original parent name of which *Brighouse* is a translation, and 'Pateley Bridge' a corruption. Now the bridge must have been at that date not long built, and the Bridge-house was established by the Abbot of Fountains as a residence for the Bailiff, part of whose duty it was to collect the Tolls from those crossing the bridge. Though no names are mentioned, the *bailiffs* are, in the following complaint: "They say that the toll of *Bridge-house* is being increased beyond measure by the bailiffs of the same," 'quod teoloneum de *Ponteburgi* augmentatur ultra modum per balliuos ejusdem' (*Hund. Rolls*. I. 116). The office of Bailiff is therefore as old as *Brighouse* itself, *i.e.*, as old as the building of the monastic Bridge (which is called a 'Bridge of wood' by Leland, *circ.* 1540), in substitution for the ford. Mr. Grainge has an interesting note: "On cutting a drain across the road near the Bridge in 1862, three different *causeways* were cut through at different depths; one of them was about three yards below the present surface, and had evidently led to a ford before a bridge was built, the others to a bridge at a lower level than the present one" (*Nidderdale*, p. 19. note). *Pateley Bridge* must have sprung up, probably starting with an Ale house near the bridge, while the name of *Ponteburg* was still the only name. Afterwards the monks, or those coming to write in English, who understood its meaning and limitation, translated it into *Brighouse*, while the people,

who did not understand it, continued to use the name of *Ponteburg* for the settlement that had sprung up across the Bridge and gradually corrupted it into Pathlay Brig and Pateley Bridge.

Kirkby's Inquest, 13 Ed. 1, 1284, does not mention *Middlesmoor*, or *Lofthouse*, or *Ramsgill*, or *Ponteburg*, or the name of BAYN in the district. Ten years later in an enumeration of places within the jurisdiction of the Prebendary of Masham, dated 11 Kalend. Junii (22nd May) A.D., 1295, and given on p. 538 of Fisher's *Masham* as taken from *Torre's MSS.* preserved in the Library of the Dean and Chapter of York, are included "divers places and Granges within Nidderdale, viz: Angram, Westhouse, *Loge*, *Sykeshouse*, Hacken Ker [*Hadencar*], *Woldale*, *Newhouses*, *Lymb* [*Limley*], *Trop* [*Thrope House*], *Middlesmore*, *Steane*, *Stodfold*, *Lofthouse*, *Morehouse de Steane*, *Brathwayte* [*Bouthwaite*], *Ramesgill*, *Ragil House*, *Calf Hull House* [*Calvalhouses or Covill Houses: Hull* means a small shed], *Goldethwayte* [*Gowthwaite*], *Sixford* [*Sigsworth Grange*], *Irfeld* (*Harefield or Heathfield*), *Effald* (*Highfield*) and one part of *Hewith*, *Wynnesley* [*Winsley*], *Brunslle* [*Brimham*]." At all the places in *Italics* we subsequently find the name of BAYN or BAYNE. As *Riggs* and *Thwaite House*, at both of which we subsequently find Bayns, were both in the jurisdiction, and are not mentioned, they were probably not built.

Two years later we have *Subsidy Roll* $\frac{206}{3}$ 25 Ed. I., 1297, in which there were no Bayns in Granteley, Thornteton, Sharo, Gyvendale, Nidd, Newby, Thorp, or Magna Stodlay. Nidderdale is not included.

About 31 Ed. I., 1303, we have *Subs. Roll* $\frac{206}{9}$ —A List of names of persons with the quantities of land held by them. One membrane, with the Wap. of Claro on the dorse. It is imperfect and very much damaged by wet.

In *Subs. Roll* $\frac{206}{10}$ 31 Ed. I., 1303, we have the receipt of the Feudal Aid conceded to the King on the marriage of his eldest daughter, *i.e.*, by tenants *in capite* in the West Riding. The name of Bayn does not occur in it.

In the time of Ed. II., there is a fragment of a roll $\frac{206}{13}$ a mutilated faded fragment of 1 membrane, nearly illegible. No good.

In 1 Ed. III., 1327, we have *Subs. Roll* $\frac{206}{14}$ (14 membranes) including the Wap. of Clairhow, much mutilated but perfect as to Thornteton in Nidderdale, in which there are 13 names. Surnames are scarce and BAYN does not occur. The names are all given in the ablative with *De*, 'from' prefixed, as [collected] "*De* Waltro; Petro Milner; Johe de Bradley; Robto Bovill; Rogero fil[io] Wil[lielmi], etc.

In the reign of Ed. III., 1327-1377, we have *Subs. Roll* $\frac{206}{46,6}$, in which is included "Decanatus de Pontisburg," 'the deanery of P.' There are many names, but no Bayn,



The surnames are mostly formed from place-names with *de*, 'of,' prefixed but many are only christian names with the father's christian name added in the same way as 'Roger son of William' above.

$\frac{206}{47}$ also of the time of Ed. III., 1327-77, is a more important roll. The names are given in the ablative with *De*, 'from,' prefixed, as [collected] "De Gregorio de Chapl:" in *Gruelthorp*, where 10 names are given, but no Bayn. Of these names 7 are surnames, the remaining 2 being "[De] Ricardo filio Willielmi," and "Radulpho fil. Albti." In *Fountain yate* [Fountains gate] there are "Alicia vidua" (widow); "Elena de heaffeold" and others, but no Bayn. At *Rypplaye* we find among others "Ricardus in prato," 'Richard in the meadow.' Among other places, 27 names are given for *Kyrkeby Malassare*. These are all surnames except 3, and 10 of the surnames are formed from place-names with *de*, 'of,' prefixed, as 'Hugo de Goldethwatt.' One name 'Adam le Horner' is noticeable. There are no Bayns.

We now come to a very searching document, viz: *Subsidy Roll* $\frac{206}{49}$, *The Poll tax* 2 Richard II., which was collected in 1380, and was the well-known cause (aided by the misconduct of one of the collectors), of the rising under Wat Tyler. The Rolls give the names of every person, male and female, including servants, above the age of 15 years. I have enumerated above several places lying on the Eastern Slope of the Pennine chain to the East

of Nidderdale in which we subsequently find Bayns, but in which they then were not. Nor was there one in Nidderdale. At *Limley* 'Johannes de Limley et uxor ejus' (and his wife) and 'Hawisia de Limlay' were in possession. So that it is evident that the Baynes were not in Nidderdale in 1380: If they had been there, the *Subsidy Roll* $\frac{206}{49}$ would have found them. It is very unlikely that there should have been any under 15, when they were no men or women over 15.

B. KIRKBY MALZEARD, GREWELTHORPE, RIPON.

I have been able to find no earlier notice of the name BAYN in the district of which Nidderdale forms a part, than that cited by Walbran from the *Register of Rentals of Fountains*, f. 196, b. (*Memor.* I. 346, note). I searched in vain for this Register in the Muniment Room at Studley Royal. It was not contained in any of the sixteen Bundles that passed through my hands. Yet I cannot but suppose that it must be at Studley. In *Memor.* II., p. 86, is a List of Fountains MSS. at Studley. Among these (p. 87) is No. 4.—"A Rental and Survey of certain Manors Granges and Farms at Dacre, Brimham, Ingerthorpe, Wallerthwaite, Markington, Baldersby, Bramley, Aldborough, Bewerley, Kirkby Wiske, Malham in Craven, Bordley, Kilnsey, and Litton, ascertained by Jurors on Oath." This Title describes exactly the contents of Abbot Huby's *Rentale* of 9th, 10th, and 11th May, 1496 (*Stud. Roy.* 3, 15), which I examined.

Walbran's passage runs : " JOHN BAYN appears in 1361 as a tenant of a cottage at *Kirkby Malzeard*, rendering the rent of 16^{d.}, and one day's work valued at 1½^{d.}." (*Memor. of Fountains*, I. 346, note). Yet in *Subs. Roll* $\frac{206}{41}$ Temp. Ed. III. [1327-1377] there is no mention of the name BAYN under *Grewelthorpe*, *Kyrkeby Malassare*, etc.

. By a Latin Deed Poll printed in *Memor. of Ripon* (Surt. Soc., Vol. 74, p. 196), Ellen widow of Benedict de Bough renounces to John de Clynt her claim in a house between the house of JOHN BAYN and Thomas Thorp in *Ripon* . . . Dated at Ripon, 8th Oct., 1375. Now there is no mention of the name BAYN in *Kirkby Malzeard*, *Grewelthorp*, or *Ripon*, in *Subs. Roll* $\frac{206}{49}$, the Poll tax granted 2 Richard II [1379] and collected in 1380. This Roll included all persons male and female, including servants above the age of 15 years. The name of BAYN is absent also in the list for Laverton, Misese [Missie], Lungle, Skeldon, Dala Sweton, Dalehouses, Nidderdale, and Thorp juxta Ripon [Little Thorp] (Yorks. Arch. and Topog. Assoc., Vol. 6, p. 341, and Vol. 7, p. 8).

According to Thos. Gent (*Hist. of Ripon*, 1733, p. 140; cit. in *Ripon Millenary Record*, Pt. II., p. 4, 1892, 40) JOHN BAYN was Wakeman of Ripon in 1437. We have a possible and somewhat plausible explanation of these facts in the supposition that JOHN BAYN moved from *Kirkby Malzeard* into *Ripon* between 1361 and 1375, where he

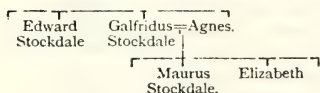


died before 1379, leaving a Son under 15 in 1379-80 who rose to be Wakeman in 1437. Be this as it may, we cannot follow him farther.

The JOHN BAYN of *Bewerley Moor* before 1457, we shall deal with under "BRIGHOUSE" below.

In the *Ripon Chapter Acts* (Surt. Soc., 64, p. 47), we find MILES BANYS and GEORGE BANYS constituted executors under the following will :

Will of Geoffrey Stockdale of *North Stainley*, 1459, 20th August.



Hiiis testibus, Domino Johanne Snape Vicario (meo), Johanne Bell, et Thoma Peyk, Roberto Wynpeny, et aliis multis. Et constituto executores meos MILONEM BANYS et GEORGIUM BANYS.—Probate granted by Dean of Ripon, 2nd May, 1460, to the executors.

As North Stainley is close to Grewelthorpe, and as no residence is named for MILES and GEORGE BANYS, it is probable that they were well known on the spot, and, notwithstanding the spelling of their name, belonged to the *Grewelthorpe* Stock, and were probably brothers or near relatives of Agnes, testator's wife.

As MILO is the *Lat.* form of MILES, this may be the MILES BAYNE who signed the Middlesmoor Chapel deed, November 15th, 1484.

Surt. Soc., Vol. 64, *Acts of the Chapter of the Collegiate*

Church of Ripon. A.D. 1452-1506 (so on Title page),
p. 1, A.D. 1452-1512.

P. 3—Capitulum celebratum iij^{to} die mensis Marcii anno Domini millesimo cccclx^{mo} A.D. 1460 [1461].

JOHANNES BAYNE RICARDUS BAYNE Johannes Wardropp de *Growelthorpp*. Impetitur officio quod libertates et franshesias Sci Wilfridi modo guerrino invaderunt et a loco qui vocatur *Whytelyse* existente infra praefatam libertatem certa et diversa animalia ambegerunt firmarii ejusdem et extra praefatas libertates abduxerunt vel saltem consilium et autoptatem praestiterunt praedicto facinori, in animarum harum grave periculum violacionem et contemptum supradictarum libertatum sententiam excommunicationis majoris, etc.

Et proposito poenitenciae in facie Ecclesiae Edicto contra omnes et singulos, etc., Praedicti JOHANNES BAYNE, RICARDUS, et Johannes Wardropp comparuerunt, et objecto eis articulo affirmant se immunes, et inde asserunt se welle purgari. Et admissis prius proposita proclamatione per apparitorem si qui fuerint qui voluerint et valuerint eam proponere et probare in forma juris veniant citra diem 7^{mo} ejusdem mensis, etc. Et dicto Septimo die comparuit Willelmus e (blank) Serviens domini Newell et juratus, etc., asserit se posse probare sufficienter quod dictus Johannes Bayne (blank) et Johannes, ut supra, erant fractores et invasores libertatum cum ceterijs [*sic*] et assignatur ei xj^{mas} dies ejusdem mensis et non satisfacit termino. Ideo assignatur dictis JOHANNI et RICARDO et Johanni Wardropp xvij^{die} ejusdem mensis ad [p. 4], purgandum se xij^{ma} manu si aliqua canonica non obsistant. Comparuerunt et se legitime purgaverunt secundum formam praetaxatam.

‘Chapter celebrated 4th March, 1460-61, JOHN BAYNE, RICHARD BAYNE, and John Wardropp of *Growelthorpp*.

‘It is charged by the Office that they invaded in a warlike manner the Liberties and franchises of St. Wilfrid and as farmers of a place which is called *Whytelyse*, being within the aforesaid liberty surrounded certain and divers animals and forcibly removed them beyond the aforesaid liberties, or at least gave their counsel and own wish for

the aforesaid deed of villainy to the great peril of their souls, and in violation and contempt of the above said liberties, [by which they rendered themselves liable to the] sentence of the greater excommunication, etc.

And an edict of penitence in the face of the church being published against all and singular, etc., the aforesaid JOHN BAYNE, RICHARD BAYNE, and John Wardropp appeared, and the point being charged against them they affirm that they are innocent, and on that account they assert that they wish to be cleared of the accusation. And they being admitted, a proclamation having been first published by the apparitor, that if there were any who were willing and able to set it forth and prove it in form of law let them come before the 7th day of the same month, etc. And on the said 7th day appeared William e [] servant of Master Newell, and having being sworn, etc., asserts that he can prove sufficiently that the said JOHN BAYNE [RICHARD] and JOHN, as above, were breakers and invaders of the Liberties with others, and the 12th day of the same month is assigned to him, and he did not make good his word. Therefore the 18th day of the same month is assigned to the said JOHN BAYNE and RICHARD BAYNE, and John Wardropp for clearing themselves by the 12th hand (*duodecima manu*), if no Ecclesiastical law should stand in the way. They appeared and lawfully cleared themselves according to the before-mentioned form.'



To understand this form, see *Laws of William the Conqueror*, c. 16: "De purgatione illius qui Furti reus est," 'How one accused of theft may clear himself'—in which this clause occurs: "Si is habere eos poterit, purget se duodecima manu," 'if he can get them let him clear himself [by 12 compurgators nominated] by the 12th hand,' *i.e.*, himself. *Duodecima manu* is put elliptically for "per XII legales homines nominatos duodecima manu," which is expressed in c. 17, Leg. Will. Conq. There is still a farm called *West Lees* half way between Kirkby Malzeard and Galphay, and a place called *White Ings* between Grewelthorpe and Kirkby Malzeard.

For a fuller understanding of other parts of the above Act, the reader is referred to the Section *De Regimine Ecclesiastico*, under Woodale II., Chap. X.

J. R. Walbran (*Memor.* II., 227) gives "A Mandate of the Official of the Archbishop of York to cite certain persons who had maltreated a Servant of the Convent of Fountains." (*Ex Regist. Privil. de Fontibus in Bibl. Coll. Univ. Oxon.*, Fol. 46), in which is mentioned after others "et WILLIELMUS BAYNE de parochia de *Kirkeby Malsarde*." "Datum, Ebor. 23rd Jan., 1468[-9]."

At this point I must break off the account of the Kirkby Malzeard and Grewelthorp families, although the oldest stock, and resume it after the History of the Nidderdale families.

§ 3. IN ORDER NOT TO INTERRUPT THE HISTORY OF THE NIDDERDALE FAMILIES, I MUST HERE INTERPOLATE WHAT LITTLE I KNOW ABOUT THE FAMILY OF RALPH BAYNE, BISHOP OF COVENTRY AND LICHFIELD.

Among the *Fees of Fines* in the Record Office, there are three, severally of the 23rd, 24th, and 26th Hen. VIII, and of the years 1531, 1532, and 1534 respectively in which WILLIAM BAYNE, Mercer of London, and his cousin RALPH BAYNE afterwards Bishop of Coventry and Lichfield play a part. The *Fine* of 1532 serves to explain certain passages in the Will of WILLIAM BAYNE, dated 20th May, 1538, and any Novelist in search of a plot will find one in the whole story disclosed by the *Fines* and the Will.

The *Fines*, and I may here state that a 'Fine' in this sense meant 'a Formal conveyance of Lands by acknowledging a perfect agreement before a Judge' (Bailey, *Dic.*), are all in the same Form, so that I need only give one of them in full, the abbreviations being extended. . . .

"Hec est finalis concordia facta in Curia domini Regis Apud Westmonasterium in crastina Sancti Martini Anno regnorum Henrici Octavi dei Gracia Angliae etc. . . . vicesimo tertio, coram [Justices named] . . . Inter Johannem Keton, clericum, WILLIELMUM BAYNE et Henricum Keton, querentes, et Willielmum Thorp, Armigerum, deforciatorem, de Manerio de *Marfflete* cum pertinentiis, ac de viginti messuagiis, ducentis acris terrae, centum acris prati, tricentis acris pasture, una acra bosci et quinque Solidatis redditus cum pertinentiis in *Marfflete Danthorpe* et *Atwik* unde placitum convencionis sumtum fuit inter eos in eadem curia; *Scilicet*, quod predictus Willielmus Thorpe recognosceret predicta

manerium et tenementa cum pertinentiis esse Jus ipsius Johannis, ut illa que iidem Johannes, WILLIELMUS BAYNE, et Henricus habent de dono predicti Willielmi Thorpe, et illa remisit et quietum clamavit de se et heredibus suis predictis Johanni, Willielmo Bayne, et Henrico et heredibus ipsius Johannis Imperpetuum: et praeterea Idem Willielmus Thorpe concessit pro se et heredibus suis quod ipsi warantizarent predictis Johanni, WILLIELMO BAYNE et Henrico et heredibus ipsius Johannis predicta manerium et tenementa cum pertinentiis contra omnes homines Imperpetuum, et pro hac recognitione, remissione, quietaclamatione, Warantia, *fine*, et concordia, iidem Johannes, WILLIELMUS BAYNE et Henricus dederunt predicto Willielmo Thorpe quadringentas libras sterlingorum,"

Endorsed "Secundum formam Statuti prima proclamatio facta fuit xxj die Novembris Termino Sancti Michaelis anno xxij Regis infra Scripto. ij proclamatio xxij die Novembris eodem anno . . . etc . . . xvj proclamatio xj die Julii anno xxiiij Regis."

The estate in dispute, of which William Thorpe was in forcible possession, consisted of 'the Manor of Marflete, near Hull, with its appurtenances, and of 20 houses, 200 acres of arable, 100 acres of meadow, 300 acres of pasture, and 1 acre of Wood, in all 601 acres, and 5 shillings worth of rent, with their appurtenances in Marflete, Danthorpe, and Atwik, whence a plea of agreement was taken among them in the same court. Namely, that William Thorpe should recognize the aforesaid Manor and tenements with their appurtenances to be the just and lawful property of John Keton, as the properties which the same John, WILLIAM BAYNE, and Henry have by gift from the aforesaid William Thorpe; and he has given up and quit-claimed them for himself and his heirs to the aforesaid John, WILLIAM BAYNE, and Henry Keton, and the heirs of John



Keton for ever. And moreover the same William Thorpe has conceded for himself and his heirs that they will warrant to the aforesaid John, WILLIAM BAYNE, and Henry Keton and the heirs of John Keton the aforesaid manor and tenements with their appurtenances against all men for ever. And for this recognition, renunciation, quit-claim, Warrant, *Fine* (or termination of the dispute) and agreement, the same John Keton, WILLIAM BAYNE, and Henry Keton have given to the aforesaid William Thorpe 400*l.* sterling.'

The next year WILLIAM BAYNE was party to another *Fine* 24 Hen. VIII., 1532, which receives further illustration from his will. "Hec est finalis concordia," etc., between 'John Keton clerk (clericum), Nicholas Metcalfe, clerk [Master of St. John's College, Cambridge, 1518-1537], Edward Eire [cousin of William Bayne] Christopher Eire, Ankar ffretilewell and William Bayne, plaintiffs, and Cuthbert Keton, deforciant, concerning the Manors of *Harthill* and *Keton* otherwise called *Keveton*, with the appurtenances, and concerning 30 Messuages, one water-mill, 40 acres of arable, 100 acres of meadow, 500 acres of pasture, 12 acres of wood, in all 652 acres, and sixty shillings worth of rent, with the appurtenances in *Harthill*, *Keton* or *Keveton*, *Woodhall*, *Waliswood*, *Thorp Ryonyld*, and *Aughton*,' [all of which places are at the extreme south point of Yorkshire, near Thorpe Salvin] 'also concerning the adyowson of the free Chapel or Chantry of Keton or Keveton, whence a

plea of agreement was taken among them in the same court, viz : That the aforesaid Cuthbert should recognize the aforesaid Manors and tenements with the appurtenances and the aforesaid advowson to be the just and lawful property of John Keton, as those properties which the same John, Nicholas Metcalfe, Edward, Cristoforus, Ankar ffretilewell and WILLIAM BAYNE have by the gift of the aforesaid Cuthbert Keton, and he has given up and quit-claimed them for himself and his heirs to the aforesaid John, Nicholas, Edward, Cristofor, Ankar and William and the heirs of John Keton for ever. And moreover the said Cuthbert has conceded for him and his heirs that they will warrant to the aforesaid John, Nicholas, Edward, Cristofer, Ankar and William and the heirs of John Keton the aforesaid Manors and tenements with the appurtenances, and the advowson aforesaid against all men for ever. And for this recognition, renunciation, Warrant, *Fine*, and agreement, the same John, Nicholas, Edward, Cristofer, Ankar, and William have given to the aforesaid Cuthbert 800 Marks of Silver.'

Endorsed "Secundum formam Statuti prima proclamatio facta fuit xxi die Novembris Termino Sci. Mich. Anno xxiiij Regis infra Scripto, ij proclam. xxiiij die Novem. etc., xvi proclam. xj die July anno xxv Regis."

In all these fines it is probable that all the parties were related and next of Kin in equal degrees to some deceased



person. We know as a fact that Edward Eire and William Bayne were cousins, and the same relationship may be inferred between Cuthbert Keton and WILLIAM BAYNE, from the fact that "Margery Keyton the daughter of Cuthbert" was living in William Bayne's house in London when he made his will, by which he left her "forty poundes towards hir mariage." That the same relationship existed between the other parties to the Fine, may be inferred, and this inference is strengthened by the next Fine, to which Nicholas Metcalfe, Master of St. John's College, Cambridge, and RALPH BAYNE, who had been educated at St. John's College and was afterwards Bishop of Coventry and Lichfield, and who was a cousin of WILLIAM BAYNE, were parties.

26 Hen. VIII., 1534, Michaelmas Term. "Hec est" etc . . 'Between Nicholas Metcalfe clerk (clericum), George Cowper, clerk, and RALPH BAYNE clerk (clericum), plaintiffs and John Buller, husbondman, deforciant, concerning one Messuage, 50 acres of arable, 10 acres of meadow, and 12 acres of pasture, in all 72 acres, with the appurtenances in *Preston* in Holderness [which is 3 miles east of Marflete]; whence a plea of agreement was taken among them in the same court, viz: That the aforesaid John Buller should recognize the aforesaid tenement with the appurtenances to be the just and lawful property of Nicholas Metcalfe, as those properties which the same



Nicholas George and RALPH have by the gift of the aforesaid John, and he has given up and quit-claimed them for himself and his heirs to the aforesaid Nicholas George and RALPH and to the heirs of Nicholas Metcalfe for ever. And moreover the same John has conceded for him and his heirs that they will warrant to the aforesaid Nicholas, George, and RALPH and to the heirs of Nicholas Metcalfe the aforesaid tenement with the appurtenances against all men for ever. And for this recognition, renunciation, quit-claim, Warrant, *Fine*, and agreement, the same Nicholas, George, and RALPH have given to the aforesaid John Buller 100 Marks of Silver.'

Endorsed "Scdm etc. prima proclam. xxi Nov. Ao xx6 Regis, etc. . . . xvj proclam. xij Julij a^o xxvij Regis."

Mem. PETER BAYNE, *Preston*, Holderness. Will dated Aug. 15th, 1552: Pr. Oct. 5th, 1552 (*York, Register Bk.* 13, fo. 907). I have not seen this.

The Will of WILLIAM BAYNE (*Canterbury Calendar*. Dingley 22) is dated 20th May, 1538. "I WILLIAM BAYNE, Mercer of London . . . To the Brotherhood of St. Marie and St. Steven in the Church of St. Sepulchres 13*s.* 4*d.* to brotherhood of Corpus in the same Church 6*s.* 8*d.* to Margery Keyton the daughter of Cuthbert, now being with me forty pounds towards hir mariage . . . to the Priory of Nunnekeling and hir Sustert^r 6*l.* 8*s.* 4*d.* Also

^r Nunkeeling was a Priory for Benedictine Nuns founded by Agnes wife of Herbert de St. Quintin, abt. 1150. It was small and its annual value at the Dissolution was only 35*l.* It was purchased from the King by Sir Richard Gresham. No portion of the building remains,

I bequeath to Richard Wharton and Elizabeth his wife either of them a blacke gowne. Also . . . to LAURANCE BAYNE my brother's sonne a black gowne and one of my gownes next the best. . . . And I will that my cousyn Maister RAAF BAYNE, preest, being now at Parris have tenn pounds Sterling [afterwards Bp. of Coventry and Lichfield]. And I will that the chest with the evidence of Kayton to be delivered to *my cowzen* Edward Eyer to keepe saufe for the right heire of Kayton . . . residue I give SIBILL *my wife*, and make and ordeyne the saide Sibill and Laurannce my brother's sonne myne executours. . . . And bequeath to the said Laurannce for his payne-taking to see my will fulfilled x li. Sterling. And I make and ordeyn overseer for this my present testament Richard Buckland,² Merchant tailor, . . . I the S^d WILLIAM BAYNE have written this testament w^t myne owne hande, and sette my seale the date as above written."

LIFE OF RALPH BAYNE BISHOP OF COVENTRY

AND LICHFIELD.

RALPH BAYNE or as he is often erroneously called Ralph Baynes (Radulphus Bayns, Eboracensis) a native of Yorkshire, must have entered St. John's College, Cambridge,

² Probably a relation of Testator. See above (p.) *Will* of Richard Boklond of New Alresford, dated 2nd Feb., 1381-2.

soon after its foundation by Lady Margaret, Countess of Richmond and Derby and mother of Hen. VII, in 1511, as he was B.A., in 1517-18, was ordained Priest at Ely, Ap. 23, 1519 (*Regist. Eliense*) being then a Fellow of St. John's Coll. on Bp. Fisher's Foundation. He became M.A. 1521, was made one of the University Preachers 1527. He was in Paris 1538, and was collated to the Rectory of Hardwicke, Cambs., which he resigned, 1544, He opposed Latimer at Cambridge, and 1550 was disputing at Westminster on the Catholic side. He afterwards became King's Professor of Hebrew at Paris in the University founded by Charlemagne, where he remained till after the accession of Mary, by whom he was made Bp. of Coventry and Lichfield, Mar. 3rd, 1554-5 (Baker, *S. John's* I, 243) or Nov. 10th, 1554 (Harwood, *Lichfield*, p. 149) or 18th Nov., 1554 (Cooper, *Athenae Cantab.* I, 202). He lived afterwards in the Bp. of London's House, but retired to Islington, where he died of stone, 1559, and was buried at St. Dunstan's in the West. He was a native of Yorkshire (Harwood, *Hist. of Lichfield*, Glost. 1806, 4°; *Account of Lichfield*, 1819, 8°; Chalmers, *Biog. Dict.*; Thoresby, *Ducatus Leodiensis*, p. 100; Baker's *Hist. of St. John's Coll.* I., 243; Cooper, *Athenae Cantab.* I., 202).

Bp. Kennet (Lansd. 980, fo. 300), has given a collection of memoranda illustrating the history of Bishop Bayne. (1) Letter from the King and Queen to the Dean and



Chapter of Lichfield concerning the License for choosing a Bishop. Westminster, 25th Oct., 1554. (Rymer. XV. 407). (2) Letter with the Royal assent to the Election of Ralph Bayne as Bishop. Westminster, 10th Nov., 1554 (Rymer, XV. 408). (3) Ralph Bishop elect of Lichfield obtained, 16th Nov., 1554, the license of the Dean and Chapter of Canterbury for consecration to be held outside the jurisdiction of Canterbury Cathedral. He was consecrated 18th Nov., 1554 (Lansd. 980, fo. 300b) in the Chapel of the Bp. of London, in order that as far as lawful, having regard to the conditions of the time, the Church, almost destroyed by the iniquity of the time, might be delivered from her wrongs, and might recover her alienated possessions (Ib. fo. 300). (4) A Brief of the King and Queen to Master Ralph Bayne elected to the Bishopric of Lichfield, 'De Rec. Titul. Temp.,' on his right Title to the Temporalities or Lay Fees, witnessed at Westminster, 6th Dec., 1554 (Rymer, XV., 410). (5) A Letter of the King and Queen concerning the exoneration of Ralph Bp. of Coventry and Lichfield from all first-fruits. Witnessed at Westminster, 10th Feb., 1555. (Ib. 412).

In 1555 Bp. Bayne became D.D. (Cooper, *Athenae*, I, 202). In the *Harl. MSS.* (421. Art 32. fol. 67-91), is a series of Latin and English Articles relating to the period of his episcopate. Details of this terrible period may be found in various and sundry works. I will give only one



specimen. 'Robert Glover was condemned by Bp. Bayne in 1555 and suffered at the same stake with Cornelius Bongey as proud and arrogant heretics' (*Acct. of Lichfield* 1819, 80.). He is only too well known as the firebreathing Bishop of Coventry and Lichfield during the reign of Queen Mary. The Arms of Lichfield are a field with the trunks and limbs of dismembered Martyrs ! (Guillim).

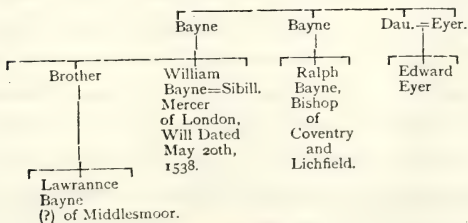
Bp. Bayne assisted at the funeral of Queen Mary, Nov. 1558 (*Acct. of Lichfield*), but (6) having refused to administer the Sacrament to Queen Elizabeth as he was commanded to do by decree of Parliament, (Whitloc, cit. by Kennet, *Lansd.* 980, fo. 300b), (7) an Order of Council for the personal appearances of the Bishops of Lichfield Chester and Carlisle was issued 4th April, 1559 (Strype, *Eliz.* p. 911, cit. by Kennet, *Lansd.* 980, fo. 300), and (8) on June 21st, 1559 they were all three deprived by the Royal Commissioners (Strype, *Eliz.* 143 ; Kennet *Lansd.* 980, 300). (9) On June 27th, 1559, the *Spiritualia*, or Church Fees, of the Episcopal Chair of Coventry and Lichfield, vacant by the deprivation of Ralph Bayne lately Bishop, were seized into the hands of the Dean and Chapter of Canterbury. (*Reg. Cant.*, Kennet, *Lansd.* 980, fo. 200).

The Bishop did not long survive his deprivation, but after remaining for a short time in the Bishop of London's House (Chambers, *Biog. Dict.*), he (10) retired to Islington,

near London, where he died of Stone in the bladder 'et ibidem sepultus est anno 1559' (Whitloc). (11)
 'Whitlock saithe he was buried where he died at Islington, but Mr. Stow in his Survey of St. Dunstan's Church in the west, saithe expressly Ralph Bishop of Coventry and Lichfield, 1559, lyes buried there' (Stow, *Survey*, p. 431; Kennet, *Lansd.* 980, fo. 300b). I can find no Will or Admon. of Bishop Bayne.

I have no other evidence as to the following JOHN BAYNE and do not know whether he belonged to the same family as the Bishop, or not.

(Probate Registry, Lichfield, *Act Bk.* V, 174), 18th May, 1894. 'There is no will in existence of JOHN BAYNE, 1559. The entry in the *Act Bk.* is as follows: "John Bane of Biddulph, proved by Helena the Relict, power to Ralph Thorley 9th Oct., 1559."' (Extract from letter of G. Bridgeman Simpson, Esq., Dist. Registrar, Lichfield, to John Baynes, Esq., J.P., Ripon).



CHAPTER IX.

§ I. BAYN, BANE, BAYNE, BAINE, OF BEWERLEY MOOR
AND BRIGHOUSE.

We have seen (p. 139) that the Office of Bailiff of Brighouse originated with the house itself at the building of the Bridge, and that the names of the early Bailiffs are not given in the *Hundred Rolls*, 1276.

JOHN BAYN OF BRIGHOUSE.

J. R. Walbran, who too frequently omits to give his authorities, says: "Respecting the BAYNS of *Brighouse*, I find that JOHN BAYN had kept the herd of the Abbot of Fountains at the *Moorhouse* of *Bewerley* before the year 1457" (*Memor.* I, 348, *note*). The only document of this date which I found at Studley Royal: "Compotus ffratris Johannis Selbij Bursarij monasterij Beate Marie De ffontibus De omnibus Preceptis pariter Expensis A festo Sci Martini in hyrme Anno Dni 1456, usque ad predictum festum Anno Dni 1457" (*Studley Royal*, 3, 15): does not mention him by name, but has the entry 'fforestario [to the shepherd] de Nyddale, xiijs. iiij^d.' In a Miscellaneous Account on

fo. 89, in the Account from Martinmas 1457 to Martinmas 1458 I found "JOHN BEEN pro jolam' [pot] 2d" but he seems to have been of a different family, and a smith, as an earthen pot would hardly have been worth 2d. In the MS. *Dodsworth* (50 fo.), for the use of a copy of which I am indebted to the Revd. J. W. Darnbrough, Rector of South Otterington, Northallerton, in the Acct. of "A Tenth collected before the 15th yeare of Ed. IV. [1475] in the Wap. of Claro (out of Mr. Edward Plumpton's book)," under the head of 'Thornton and Bishopside,' JOHN BAYNE appears as a landowner. There is a separate list for 'Thornton,' in which neither he nor any other BAYN appears. Whether John Bayn of Bewerley Moorhouse 1457 and John Bayne of Bishopside 1475 were one, and whether John was the father of Christopher of Brighouse, I must leave open questions.

FIRST LINE OF BRIGHOUSE.

CHRISTOPHER BAYN, I., OF BRIGHOUSE.

"*Rentale* dominii de Bewerley et Bourethwate cum membris factum et renovatum per sacramenta xii. Juratorum, 10 May, II. Henry VII. [1496] (*Studley Royal* 3, 15), under '*Brigg hous.*' "CRIST. BAYN¹ tenet servitio de domino

¹ Over the n of Bayn is an abbreviation mark of a very common form made by turning up the last up stroke of the n over the letter and then drawing it to the right as a horizontal dash, which means almost anything at the end of a word. A few words below it stands for the 'um' of 'minimum.' It may represent s or es, but, as the document is in Latin, perhaps 'Baynus' is intended.

ibimet de manerio fountaines logiam de *Brighouse* pro qua custodit per annum in *Bewerley Rigge* unum gregem ovium matronarum, ad minimum ccorum ovium a festo Sancti Michaelis Archangeli usque festum Invenconis Sancte crucis extunc proxime sequentem pro qua quidem custodia ovium predictarum Allocatur eidem CRIST. qui custodit gregem predictum, viz.: xiijs. iiij^d., et reddit per annum si non custodit gregem predictum ad, etc., xlv^s." The above is extended from the abbreviated Latin, the English being: 'Brighouse. CRISTOFER BAYN holds by service from the lord there of the manor of Fountains the lodge of Brighouse, for which he tends by the year in *Bewerley Rigge* one flock of ewes (*ovium matronarum*, which Walbran has rendered by 'wethers'), at least 200 sheep from the feast of St. Michael the Archangel till the feast of the Invention of the Holy Cross thence next ensuing, for which custody of the sheep aforesaid there is allowed to the same CRISTOFER who tends the flock aforesaid, 13^s. 4^d.; and if he does not tend the flock he pays to the lord of the manor of Fountains 45s. per annum.' Walbran is in error also in saying (*Memor.* I. 348, *note*) that Cristofer Bayn held the lodge 'for a term of years,' as well as in his description of the terms of tenure. He held it by the year for the service of keeping a flock of ewes all the year round, the minimum number, between Michaelmas and the Invention of the Holy Cross (May 3rd), to be 200 sheep. In *Subs. Roll*

$\frac{206}{100}$, 6 Henry VIII. [April 1514 to April 1515], we find under 'hamelett de Dacre et Bew'ley,' 'CHRISTOPHER BAYN, const.'[able], other names being Johēs Hardcastell, Rob. Beckwith, Johēs Darnbruke, Willms S ———, [I can not read this name], and this is the first appearance of the name of BAYN, in this district, in the *Subsidy Rolls*.

CRISTOFER BAYN made his will eleven years before his death, an unusual proceeding in those days. It runs as follows: "In dei nomine. Amen. Anno dni., 1509. I, CRISTOFER BAYN, seyng the unstablenes of this world wherefore I porpos with the grace of Almighty God I [in] so much that Almighty God voutesafe that I am the possessor of certaine goodes qwykē and deyed to make my last wil. . . . [Soul clause.] . . . My body to be beryed in the Kirke of Or Lady at *Paithbrigges* and I bequeith my best good to my corpresand in the nayme of my mortuary. Also I bequeith and gyveth to my lord Abbot of Fontaunce xxvj^s. viij^d. to be assoled and to be prayd for. Also I witt to the iiij Orders of Freers in Yorke ilke one of theym xij^d. and to the Freres of Richmond xij^d. and to Seynt Robert of Knaresburgh xij^d. Also I bewitt v^s. for on trental of messas for my soul and William Fenton,² also I bewitt MARGARETT my daughter

² *I.e.* W. Fenton's soul. In the Nidderdale dialect there is no possessive case. William Fenton was of Fountains. His will was proved January 22nd, 1507-8.

a maser.”³ . . . “The residue of my goodes I will that it be devyded at the discrecion of my Executors emonge my wife and childer. Also I make my trw Executors ELEN my wif and my neve Richard Askewith and MARMADUCE my sone to see that this my last will be fulfilled.”

“Probate granted . . . York . . . 17th April, 1520, to ELEN the relict of the deceased, Richard Askewith, and MARMADUKE BAYN [*sic*] the son of the deceased the Executors in the said Will named.” (York. *Reg.*, Bk. 9, fo. 96).

In *Subs. Rolls*, $\frac{207}{128}$, 15 Henry VIII. [April 1523 to 1524], and $\frac{207}{138}$, dated 20th December, 16 Henry VIII. [1524], for copies of both of which I am indebted to the Rev. J. W. Darnbrough, we find under ‘Bewerley,’ ‘ELYN BAYN wedowe *in terris* (lands) 4^l. 4^s. the other assessments being all *in bonis* (goods) thus: ‘Wm. Hardcastell 4^l. 2^s.,’ and ‘Wm. Colyer, John Darnebruk, and Wm. Darnebruk, 40^s. 12^d.’ It is evident, therefore, that ELYN BAYN was the tenant of the Lodge at *Brighouse* after her husband’s death.

MARMADUKE BAYN OF BRIGHOUSE, BAILIFF OF NIDDERDALE.

Christopher Bayn only mentions two children in his will, MARMADUKE; and MARGARET, whose burial is entered in

³ ‘Maser, a broad standing cup, or drinking bowl.’—Bailey, *Dic.*

the Pateley Bridge Registers 'MARGARET BAINE, October 14, 1558.' Of Marmaduke Bayn we hear twice more.

In *Studley Royal* (4, 22), is a document at some time endorsed "A Rent Roll of ye Abbots and several of Greshams," in which the so-called 'Rent Roll' turns out to be an old copy of that portion of the *Valor Eccles.*, 1535, which relates to the Abbey of Fountains. It is entitled "Extract. e Record. Primitiar. et Decimar. penes Rememorat^e. eorundem reman' (viz.) inter Valores Monaster. Priorat. beneficior. et Repris. et promocon. spualm infra Archinat. Richmond. . . virtute commiss. e curiâ Cancellarie 30 Jan., 26 Henry VIII. [1535] emanen. in certificat. ubi inter alia continetur ut sequitur, viz.:" 'Extract from the Records of First Fruits and Tithes remaining with the Remembrancer of the same among the Valuations of Monasteries, Priories, benefices, and Reprises and spiritual preferments within the Archdeaconry of Richmond . . . by virtue of a Commission issuing from the Court of Chancery, 30th January, 1535; in a certificate, wherein among other things is contained as follows: On page 6 occurs among the 'Feoda,' or fees paid out by Fountains Abbey, "MARMADUCO BAINE, Ballivo de Netherdalle, xls." 'To MARMADUKE BAINE, Bailiff of Nidderdale, 40s.' (Printed in *Valor Eccl.* V., 254, and Dugd. *Monast.* Ed. 1825, Fountains, No. XLVII.) MARMADUKE BAINE or BAYN did not live to see the

dissolution of Fountains Abbey, which was surrendered by Deed enrolled 26th November, 31 Henry VIII. [1539]. (Walb. *Memor.* I., 301), for in the *Craven-cum-Ripon Act Book* at York is the Latin Administration of his Effects, in English, as follows :—‘ 24 March, 1536-7. The same day administration of all the goods which were of MARMADUKE BAYNE, late of *Netherdale*, in the par. of Ripon, gent., deceased intestate, was committed to ALICIA, relict of the said deceased, and immediately afterwards a Commission was directed to the Dean of Ripon for the administration to be committed to the same ALICIA and for the oath to be taken by her, and she was to have the Synod of Easter next to certify concerning a full, true, and complete Inventory, and give a Bond for the indemnity of the lord, in the hands of the Dean to be sealed, and on the 16th April thence next ensuing, anticipating liberty to do so, the said Dean exhibited the Bond, sealed and delivered for the indemnity of the lord, and also for the Inventory on parchment, and the Bond for portions.’ The last words, ‘Obligacionem pro porcionibus,’ implies other heirs than Alicia, and, though no children are named, probably refers to children of Marmaduke and Alicia, as Marmaduke had no brothers, and only one sister.

ROGER BAYN OF BRIGHOUSE.

In the same *Valor Ecclesiasticus*, 1535, as that from which the above extract is taken, is a similar entry in respect of



Byland Abbey, 'Feod.' viz. : in ROGERI [*sic*] BAYN, Ballivo de Nederdale xls." Which shows that in 1535, when MARMADUKE BAYN was Bailiff of Nidderdale for Fountains Abbey, ROGER BAYN was Bailiff of Nidderdale for Byland Abbey.

In another Valuation of Fountains lands, made for the King on the occasion of the purchase by Sir Richard Gresham, of which the Letters Patent are dated 1st October, 32 Henry VIII. [1540] (Walb., *Memor.*, I., 385), entitled : "The *Valor* of the Scite and demanes with the Graunges, late in the occupation of the saide late Monastery of Fountains," etc., dated 9th September, 32 Henry VIII. [1540], of which the MS., a paper roll, is now at Ripley Castle, (Fisher, *Masham*, 507-8), We find : *Brighouse*. Item, a 'tenement late in the holding of CHRISTOPHER BANE, with all lands, medoos, pastors, and wastes thereto belonging by yere xlv's.' (Walb., *Memor.*, I., 346). Now this is somewhat enigmatical. Could the CHRISTOPHER who died in 1520 be the one indicated here, when after him we have his widow ELYN, and after her his son MARMADUKE in possession till his death early in 1537? Anyhow, immediately after Sir Richard Gresham took possession, ROGER BAYN was tenant of *Brighouse*, for in "the Accompte of John Hall, clerke, Recevor to Sir Richard Gresham, Knight, made 3 Feb., 35 Henry VIII. [1544]," etc. (*Studley Royal*, 4, 22 : Paper Book. En-

dorsed "A Rent Roll of ye Abbots and several of Greshams," etc., "No. 2"), we find: . . . '23^l. 16^s. due of the arreragies due in the feaste of St. Michael, A^o. 34, Henry VIII. [September 29, 1542]. Firste in the handes of ROGER BAYN of *Brighouse* in Nidderdale for one hole yeare Rente due in the feast of St. Michael . . . A^o. 34 Henry VIII., xlv^s.' The amount of the rent is the same as that mentioned above as paid by Christopher Bane, which identifies the holding, and the last-named item shows that Roger Bayn had been tenant since September 29th, 1541, at least. Lower down occurs: 'Arrerages due in the feast of S. Michael, 35 Henry III.' [September 29th, 1543]: '*Bewerley Manor*. ROGER BAYN of *Brighouse*, for A[r]rerages—torn off] due as before, xlv^s.'

In the year 34 Henry VIII., there is the following entry: 'Item paid . . . for our expenses in Craven w^t Marmaduke bekwith,⁴ Myles hardcastell, hynrye buke, Rafe frere,⁵ W^m. Wright, ROGER BAYN, w^t other xij psones, whan we kep^{te} the courtes ther, and huntide from the xth day of Auguste to the xiiijth day of the same monthe, 30^s. 8d.' The year was 1542. The game 'huntide' was

⁴ Marmaduke Beckwith lived at Dacre 1535, 1540 (*Valores*, G. 95), at Markington in 1566 (*Subsidy Roll*, ²⁰⁸₂₃₁, 8. Eliz.

⁵ In the Will of JOHN BAYNE of Cawton and Stainegraive (see p. 136) James Freare and John Freare are mentioned: 'Item, I give to Rauf Freare a brown stott to be good to my brother (RALFE, RAUF, BAYNE), and to helpe him in his neide.' Dated 4th November, 1549; Pr. 2nd December, 1549.



deer, the cause of a trial in 1611, and another in 1620 before the Star Chamber, between Francis Earl of Cumberland and Sir John Yorke (Grainge, *Nidderdale*, 47, 48); the weapon the crossbow, no doubt.

It appears that *Bewerley Rigges* had gone out of the hands of the Bayn family in or before 1540, for in the same *Valor* of 9th September, 1540, which mentions the 'tenement at *Brighouse*, late in the holding of Christofer Bane' there is this entry: '*Buerley Villat*.' 'This is a manore and is called *Beuerley* in Netherdale . . . and also hath *Beuerley Mores*, otherwise called *Greenhow Mores*. And be the propre Soyle and ground of the late Monastery and contenyd in this valewe. William Dernebrok, Johanna Dernbrock, widoo ther, and Marmaduke Herdcastell, William Collyer, and John Dernebruk hold ther a tenement or *lodge* in *Buerley* with edifices, lands, medoos, and pastors thereunto belonginge with appurtenances and pay yerely at Marten and Pentecoste xvjl. xvis. xvij^d. Item, ther is a Shepegate upon *Beuerley Rigges* for a wedder flock [this is, I suppose, why Walbran rendered '*ovium matronarum*, by 'wethers'] (see page 162) yearly from Michelmes unto Sanct Elynnes [3rd May]. And the same flock to goo upon the mores at North Cote, late in the hands of the Monastery, and is worth by yere vjs. viij^d, xvijl. iij^s. viij^d.'

(MS. at Ripley Castle. Walbran, *Memor.*, I., 346).



In the above cited 'Accompte of John Hall' among the 'Arrerages due Mich., 35 Henry VIII.' [Sep. 29th, 1543], occurs: 'And Lambert Beckwith for *Buerley Rigges* a hole yere due as before, 3^l.' In 32 Henry VIII. [April 1540 to April 1541] he is 'of Byland Erth' (*Subsidy Roll* $\frac{2}{14}\frac{0}{7}$), and of 'Stanebecke Downe,' 8 Elizabeth, 1566 (*Subsidy Roll* $\frac{2}{3}\frac{0}{8}\frac{8}{1}$). *Subsidy Roll*, JEG 15163, 37 Henry VIII. [1545], for a copy of which I am indebted to the Rev. J. W. Darnbrough, gives under '*Bewerley Pasture*': 'ROGERUS BAYN *in terris* vili. xij^s.', from which it appears that he was the direct successor, and most probably, the eldest son of Marmaduke Bayn, the bailiff of 1535. It is important to notice that he was the only Bayn assessed in *Bewerley* in 1545, and that he was assessed in *lands*.

In an undated document entitled: "Sir John Gresham, Rental of his Estates formerly belonging to the Abbey of Fountaines Swyne and Nunkeeling." (*Studley Royal*, 3, 19) is the entry: '*Brighouse*. ROGER BAYNE, xlv^s.'; and again: '*New Mylne*, at *Sykesworth*, ROGER BAYNE, xiijs. iiij^d.; and again: 'The bayliffes ffee. To be allowed to ROGER BAYNE for ye baylyffes fee yerely xl^s.', which shows that this Rental must have been written immediately after the Probate of the Will of Sir Richard Gresham, or early in 1549. Sir Richard Gresham died February 21st, 1549, and by his Will, dated February 20th, Proved March 20th, 1549 (Genealogy of family of Gresham, by Granville

Leveson-Gower, London, 1883, 4to, page 69), he left to his eldest "sonne Sir John Gresham, Knyght . . . all that the scite of the late Monastery of Founteyns with the appurts, etc., and all other my londes, tenements and heredytaments to the same scyte belonginge . . . and also all my messuages, londes, tenementes called Fownteynes Parke, Markynton manour . . . Ingerthorpe . . . Wallerthwayte . . . Also Haddock-Stones . . . Morker graunge . . . Keyton graunge, etc. (page 69), . . . (page 72) the Manor of Brembem with Dacre, Brembem parke, Brembem graunge, Hasshaw graunge, Dacre graunge, Newhouse in Dacre, Brangers houses in Dacre, Somerbridge mill in Dacre, Bollershaw, Hartwith villat' . . . Certain londes and tenements parcell of the manor of Beuerley in Netherdale . . . Morehouse . . . by yere iiij^{li}, *Bridghous* by yere xlv^s, Bewerley Carre by yere x^s, etc. . . . (page 70) to my . . . sonne Sir Thomas Gresham all my lands, tenements, etc. . . . being taken as parcell of the Manor of Beuerley in Netherdalle . . . lieing in the East side of the water of Nydde over against the londes called Bilande side, and all my messuages, londes, tenements, and hereditaments called *Thwaythouse*, Trophouse, Trophous Graunge, lofthous, Syckes Graunge, Brughtwayte Graunge, Calfalhous Graunge, Westholmehous Graunge, Estholmehous Graunge, Syckesforth graunge, and *Newmyll* in Netherdalle, which

ben of the yearly value of lixli., xvjs. iiijd." etc., (page 70).

I have given so much of the Will of Sir Richard Gresham because it names a great many places with which we shall deal in these pages. It is to be noted that Newmylne at Sykesworth, included in the above dateless survey as part of the estates of Sir John Gresham, is not mentioned among the properties named in the Will as left to him, and is named among those left to Sir Thomas Gresham, a small error which again shows that this Rental must have been written just after the death of Sir Richard Gresham, or in the second quarter of 1549.

The Pateley Bridge *Registers* commence in 1552, but the earlier portion is a copy. A complete excerpt of the whole series of the names of Bayn and Baynes, however spelt, down to the present date, has been made for this work by the Rev. Alexander Scott, vicar of Pateley Bridge (dated 21st November, 1893), and I have myself examined the earlier part. The first five entries in the *Baptisms* are spelt BAINE (1553-1555): the next thirty, BAYNE (1558. 1665): then BAINES (1672-1682): BAINE (1719-1731). The first two entries in the *Burials* are spelt BAINE (1554-1558): the next twenty-four BAYNE (1561-1667), except MATTHEW BAINE (November, 1598), which occurs after the first six spelt BAYNE: BAINES occurs again in 1680. The first entry in the *Marriages* is spelt BAYNE (1561): and the next BAINE (1586): the next three BAYNE



(1600-1630), and the next BAINES (1630): then BAYNES (1635), and the next three Bayne (1636-1715). It is unnecessary to pursue this farther.

The name of ROGER BAYN just comes into the *Registers*: "FRANCIS [*sic*], daughter of ROGER BAINE, *Bap.* Dec. 16, 1553." "MARMADUKE, son of ROGER BAINE, *Bap.* Sep. 25, 1555." "JOHN, the sonne of ROGER BAYNE, *Bap.* June 20, 1560."

The death or burial of ROGER BAYN is not recorded in the Pateley Bridge Registers. He does not appear to have died at *Brighouse* or within the chapelry of Pateley Bridge; nor have I been able to find any Will, or Administration of his effects. Thus, a man who for a short time cut a considerable figure suddenly disappears.

It is very probable that his wife's name was ALISON, as we find 'ALICE, daughter of ALISON BAINE, widow, *Bap.* Oct. 8, 1563,' (Pateley Bridge *Registers*). That she was the widow of Roger may be almost established on the following grounds. She must either have been his widow, or the widow of Ottiwell Baine, whose last child James was baptised May 4th, 1558, after which, he and all his family disappear altogether; whereas Roger's last child was baptised June 20th, 1560, and his burial is recorded June 5th, 1592, and that of a Marmaduke, who, by exhaustion, can only be the son of Roger, April 2nd, 1621. It seems, therefore, highly probable that Roger Bayne died away from Beverley in 1563. Of Marmaduke, his eldest son, I have nothing to

add, except that he seems to have died without issue. In the burials his name is written BAYNES. We also find 'Isobel, wife of Marmaduke Baynes, buried August , 1623,' but she could not have been his wife, or she would have been described as 'widow.' It should be mentioned that there is no Bayne mentioned under Bishopside in *Subsidy Rolls*, $\frac{207}{178}$, 34-35 Henry VIII. [April 1542 to April, 1544]; JEG 15163, 37 Henry VIII. [1545-6]; $\frac{208}{231}$, 8 Elizabeth [1566]; or $\frac{208}{88}$ and $\frac{208}{89}$, both 39 Elizabeth [1597].

JOHN, the second son, also died without issue, *Buried* June 5th, 1592, whereby the main line of Bayne of Brighouse became extinct.

SECOND LINE OF BRIGHOUSE.

MARMADUKE BAYNE, II., OF BRIGHOUSE.

MARMADUKE BAYNE II. of *Brighouse* betrays his existence for the first time in the *Pateley Bridge Registers*: "NICHAOLES, the sonne of MARMADUKE BAYNE, *Bap.* Dec. 17th, 1561;" "FRANCES [*sic*], sonne of MARMADUKE BAYNE, *Bap.* Nov. 30th, 1562;" "ROBERT, son of MARMADUKE BAYNE, *Bap.* Jan. 1st, 1565-6," which son must have been posthumous. Marmaduke's *Burial* completes the scanty evidence respecting him: "MARMADUKE BAYNE, of the *Brygge house*, *Bur.* Sep. 15th, 1565." He comes below Roger the Bailiff, as his eldest child was born eight years later than Roger's, and I think there can be no doubt



that they were brothers, Roger being the eldest son, and Marmaduke the second son of Marmaduke the Bailiff, who died late in 1536, or early in 1537. Besides these there seems to have been at least a third son named Ottiwell, to whom we shall come.

From the Marmaduke, who died in 1565, the line of Brighouse and Bewerley, can be traced down to its extinction at the beginning of last century.

There is no entry in the Pateley Bridge *Registers* as to the *Marriage* or *Burial* of the *wife* of Marmaduke Bayne, II., of Brighouse, but see p. 177.

NICHOLAS BAYNE, his eldest son, died and was buried shortly after his birth, "Dec. 21th [*sic*], 1561" (P.B.R.)

FRANCIS BAINE, I., OF BRIGHOUSE OR BEWERLEY.

FRANCIS BAINE, second but eldest surviving son and heir of Marmaduke Bayne, II., of Brighouse, married Elizabeth Darnbrook, June 19th, 1586 (*Pateley Bridge Registers*). They had a family of six children, viz. : 1, his son and heir MARMADUKE (son of Francis Baine, *Walb.* : Bayne. *Scott*.) was baptised September 23th, 1587 : 2, MATTHEW, baptised September 22, 1589, buried November 1598 : 3, JOHN, baptised January, 1591, buried June 5th, 1592 : 4, JOHN, baptised January, 1595, buried February, 1646 ; John left a son JOHN, baptised November, 1634, of whom I hear

no more: but probably the JOHN BAYNE assessed at *Burnesall* in *Subs. Roll*, $\frac{210}{401}$, 27 Car. II. [1675]. There was no Bayne at *Burnsall* in the Hearth Tax, 1672 (*Subs. Roll*, $\frac{210}{418}$, 24 Car. II.): 5, THOMAS, baptised March, 1600, probably the THOMAS BAINE assessed *in bonis* at *Burnesale* in *Subs. Rolls*, $\frac{209}{353}$, 3 Car. I. [1627-8], but perhaps the Thomas Bayne who, according to Walbran (*Memor. I.*, 346,) was living at Harefield in 1633. Anyhow he had a wife named Dorothy, who was buried at Pateley, September, 1636. The burial of Thomas is not recorded at Pateley. *Daughter* 6, MARIE, baptised August, 1598, buried March, 1643. 2, 3, 4, 5, and 6 are from Scott's copy, and the name is spelt Bayne throughout. In the View of Frankpledge, Fountains Manor Court, held by Sir Stephen Proctor, April 8th, 1605, appears the name "FRANCISCUS BAINE," marked "esson^d. [essoined, excused for absence] (*Studley Royal*, 6, 39).

'FRANCIS BAYNE de bewerley' appears in *Subsidy Roll*, $\frac{209}{322}$, 18 James I. [1621-2], under 'Laverton,' where he is assess^d. *in bonis* (goods) at 20^l. 9^s. 8^d.; and in $\frac{209}{334}$, 21 James I. [1624], under 'Laireton,' where he is assess^d. *in terris* (lands) 20^l. 8^s. 4^d. So that it is evident that he owned land at Laverton as well as at Bewerley, where he lived. He died at Brighouse 9th May, 1633, (*Inquis. Post Mortem* Marmaduci Bayne), and was buried at Pateley Bridge, 9th May, 1633 (*Pateley Bridge Registers*). Francis Baine made over the estate at Laverton to his eldest son



MARMADUKE, for *Subsidy Roll*, $\frac{209}{358}$, 4 Car. I., 1629, gives under 'Larton,' 'MARMADUKE BAYNE de Bewerley *in terris* 26l. 8s. 4d.'

In the *Peculiar Court* of Masham, *Act. Bk.* No. 2, p. 79, under the head of Court held 13th September, 1626, in Eccles. par. de Kirkby Malzerd is the following entry: "Officium domini contra [blank] BAYNE, vid. de *Layrton*, Chro: faber [and others] for negligent coming to the Church. Super actu compⁿis. 19th March, comparuit—faber, etc. 22 Martij 1633 [-4] comp^t Chro: faber." This must have been the widow of Marmaduke II., and mother of Francis I. of *Brighouse*.

MARMADUKE BAYNE, III., of *Brighouse*, the son and heir, whose marriage is not recorded at Pateley, had one son and three daughters. 1, FRANCIS, his heir, baptised September 19th, 1619. *Daughters*: 1, Elizabeth, baptised October 1st, 1615, married Francis George, May, 1642: 2, Isabel, baptised September, 1625: 3, Anne, buried June, 1635. Marmaduke Bayne died 18th September, 1633 (*Inquis. post mortem*). Marmaduke Bayne, *buried* 18th September, 1633 (*Pateley Bridge Registers*), about four months after his father. As the lands at *Brighouse* were held *in capite* of the King, by some part of a Knight's Service, the death of Marmaduke was followed by an Inquisition post mortem, from which it appears that he parted with the lands at *Laverton* in his lifetime,

(W. 54, 101, Pub. Rec. Office). This Inquisition is in Latin, and is entitled : “ Inquisitio indentata capta apud Rippon . . . 10th April, 10 Car[I] [1634] coram Johanne Gatt . . . virtute brevis dni Regis . . . direct[i] ad inquirend[um] post mortem MARMADUCI BAYNE nuper de *Brighouse* . . . defuncti, per sacrā [menta],” etc. ; but as it is very long I will give the whole in English. ‘ Inquisition indented taken at Ripon, 10th April, 1634, before John Gatt . . . by virtue of a Writ of the Lord the King . . . directed to an inquisition to be held after the death of MARMADUKE BAYNE, late of *Brighouse*. . . deceased, by the oaths, etc. [of certain jurors whose names are not given.] Who say upon their oaths that a certain FRANCIS BAYNE, yeoman, deceased, father of the aforesaid MARMADUKE BAYNE . . . was in his lifetime seized in his own demesne (*in dominico suo*) as of Fee, of and in one Messuage, farm, or tenement, with the appurtenances in *Bridghouse* . . . then in the tenure or occupation of CHRISTOFER BAYNE or his assigns. And also of and in one other Messuage, farm, or tenement in *Bridghouse* aforesaid with the appurtenances. And also of and in . . . one garden, one orchard, one close of meadow containing by estimation three acres, one close of meadow and arable, called ‘ *the lowe beane fawe*, containing . . . 10 roods [$2\frac{1}{2}$ acres], one close of meadow, called ‘ *the*



lowe beane fawe,' containing . . . three acres, one close of pasture, containing . . . 12 acres, one close of meadow, called '*the hye Inge,*' containing . . . $3\frac{1}{2}$ acres, one close of meadow and arable, called '*the Middle Inge,*' containing . . . $2\frac{1}{2}$ acres, three half acre strips (?) of a close of arable land, called '*the Stripps,*' containing . . . 6 roods, one close of meadow and arable called '*the lowe Inge*' containing . . . one acre of arable land and two roods of meadow, with the appurtenances, being and lying in Bridghouse aforesaid¹

. . . . And the aforesaid FRANCIS BAYNE being seized of the premises as of perfect fee, the same FRANCIS BAYNE did by his Indenture, bearing date 4th June, 12 James I. [1614], made between the aforesaid Francis Bayne on the one part, and Robert Topham, senr., on the other part, agree and concede with the aforesaid Robert Topham that he would enfeof (quod feoffaret), Robert Topham, junr., and Matthew Huitt, before the feast of the Purification of the blessed Virgin Mary then next ensuing [February 2nd, 1614-5], of and in the messuages, lands, tenements, closes, and premises aforesaid with the appurtenances, To have and to hold the aforesaid messs^s, etc. . . . to the aforesaid Robert Topham, junr., and Matthew Huitt and their heirs for ever To the use and behoofe (*ad opus et*

¹ Making for this second freehold farm 29a. 2r.

usus) following, that is to say : That the aforesaid Robert Topham, junior, and Mathew Huitt and their heirs should stand seized of and in one moiety (*dimid*) of the aforesaid one messuage or tenement and closes aforesaid which was then in the tenure or occupation of FRANCIS BAYNE aforesaid or his assignees, To the Use and Behoofe of the aforesaid FRANCIS BAYNE and ELIZABETH his wife and their assigns, For and During the term of their lives and the life of the survivor of them. And after the death of the aforesaid FRANCIS BAYNE and ELIZABETH his wife, then to the use and behoofe of the aforesaid MARMADUKE BAYNE and the heirs of his body lawfully to be begotten from the body of ISABELLA TOPHAM whom he wished to marry, and in defect of such heirs then to remain to the right heirs of the said MARMADUKE BAYNE for ever. And Also all that other messuage, farm or tenement aforesaid, and the premises belonging to the same, To the Use and Behoof of the said FRANCIS BAYNE and his assigns, For and During the term of the life of the aforesaid FRANCIS BAYNE, and of CHRISTOFER BAYNE, and of MARMADUKE BAYNE, the son of the aforesaid CHRISTOFER BAYNE, And after the death of the aforesaid CHRISTOFER and MARMADUKE BAYNE, then to the use and behoofe of the aforesaid Marmaduke Bayne named in the Writ aforesaid, and his heirs lawfully to be begotten from the body of the aforesaid ISABELLA TOPHAM, and in defect of such heirs, then to the right



heirs of the aforesaid MARMADUKE BAYNE for ever. And that the aforesaid Robert Topham, junr., and Mathew Huitt and their heirs should stand seized of and in that other moiety of the aforesaid messuage with the appurtenances whatsoever, belonging at that time to the aforesaid FRANCIS BAYNE and his assigns, To the Use and Behoof of the aforesaid MARMADUKE BAYNE the son of the aforesaid FRANCIS BAYNE, and of the aforesaid ISABELLA TOPHAM and their assignees, For and during the term of their natural lives and the natural life of the longer liver of them, for and in the name of the dowry (*dotis*) of the aforesaid ISABELLA. And after the death of the aforesaid MARMADUKE, son of the aforesaid FRANCIS, and the death of the aforesaid ISABELLA and the longer liver of them, then to the heirs of their bodies lawfully to be begotten. And in defect of such issue to the right heirs of the aforesaid Marmaduke for ever.

And further, the Jurors aforesaid say that the aforesaid FRANCIS BAYNE according to the aforesaid agreement in the aforesaid Indenture contained did by his Deed (*scm*) bearing date 1 May, 13 James I. [1615], grant enfeoff the aforesaid Robert Topham and Mathew Huitt of and in all and singular the messuages, farms and tenements, closes and premises aforesaid with the appurtenances, To Have and to Hold . . . to the use and behoofe in the afore recited indenture specified and named as the



aforesaid Indenture shown by the Jurors aforesaid in evidence more fully appears and is manifest. And afterwards that CHRISTOFER BAYNE died 23rd August, 1618, and MARMADUKE BAYNE, the son of CHRISTOFER BAYNE aforesaid, died 8th August, 1629, and FRANCIS BAYNE, father of the aforesaid MARMADUKE BAYNE named in the aforesaid Writ, died 9th May, 1633, at *Brighouse*.

And the aforesaid MARMADUKE BAYNE . . . entered into possession of the aforesaid messuage or tenement lately in the tenure of MARMADUKE BAYNE, son of the aforesaid CHRISTOFER. And by virtue of this and of the aforesaid separate Indenture and by force of a certain Act of Parliament passed Ao. 27 Henry VIII. [1535] for transferring Uses into possession the aforesaid MARMADUKE BAYNE . . . was seized of and in all that other aforesaid messuage or tenement and close aforesaid called *the low Inge*; and in one moiety (*in dimid'*) of all that other messuage, farm, or tenement with the appurtenances aforesaid, containing half (*dimidium*) the house and edifice of the aforesaid messuage and closes aforesaid called *the hie Inge, Middle Inge, Strippes*, with the appurtenances, was seized in his own demesne as of fee in tail special, viz.: To the same MARMADUKE BAYNE and his heirs lawfully begotten from the body of ISABELLA aforesaid by MARMADUKE . . . and to remain from thence to the right heirs of him, MARMADUKE, for ever, And of and in the

reversion of all that other moiety of the messuage, farm or tenement, containing half that other house and edifice of the messuage aforesaid, and the closes aforesaid called *the Beane fawe close*, *Water close*, *lowe Beane fawe close*, and the said moiety of the close aforesaid, called *the pasture close*, with the appurtenances in reversion expectant after the death of the aforesaid ELIZABETH [widow of FRANCIS.] And Further, the Jurors aforesaid say that the aforesaid MARMADUKE BAYNE . . . being thus seized of all the aforesaid premises at *Brighouse* aforesaid . . . died the 18th September last past [1633] being so seized. And further, the Jurors aforesaid say that FRANCIS BAYNE is the son and next heir of the aforesaid MARMADUKE . . . and was aged 14 years on the 19th December last past [1633], before the taking of this Inquisition. And that all and singular the messuages, farms or tenements and closes aforesaid with the appurtenances are held and at the time of the death of the aforesaid MARMADUKE his father, were held of the Lord the King by Military Service *in capite*, But by what part of a Knight's Fee (*feodi milit'*) the Jurors do not know.

And further, the Jurors aforesaid say that the messuages, farms, tenements, and premises aforesaid are worth per annum in all issues beyond reprises 40 shillings. And the Jurors aforesaid on their oaths aforesaid further say that the aforesaid ELIZABETH, widow of FRANCIS BAYNE aforesaid, mother of the aforesaid MARMADUKE . . . is

still living in full health [*in plena vita*] at *Brighouse* aforesd., And that the aforesaid Marmaduke . . . on the day on which he died had no other or more lands or tene-ments in the County of York or elsewhere to the Jurors' knowledge.'

A compact little digest of this Inquisition is given in Cole's *Escheats* (MS. *Harl.* 758), Vol. V., p. 98.

FRANCIS BAYNE II., of Brighouse (only son and heir of Marmaduke III.) whose marriage is not recorded at Pateley, had three sons and one daughter. 1, FRANCIS, his heir, baptised February, 1643; 2, WILLIAM, baptised October 31st, 1647, who was perhaps the 'William Baynes' of Covill houses, who was buried at Pateley, October 21st, 1717, but if so he only lived there at the last part of his life, as we find in the Pateley Bridge *Registers*: 'Bewerley. MARIA, daughter of William Bayne, buried June 24th, 1699': 'Bewerley Pastures. THOMAS, son of William Bayne, buried July 3rd, 1703. William Bayne's marriage is not recorded at Pateley. 3, ROBERT, baptised January, 1649, of whom we hear no more. *Daughter*: 4, ISABEL, baptised October, 1645, buried same month.

In the "Liber de Homag' tempore Will^{mi} Robinson, mil^s. vic. com. Ebor., A.D., 1639." 'Book of Homage to the King in the time of Sir William Robinson, Knight, Sheriff of York,' Part II. of a vellum-covered paper folio book at Studley Royal, (3, 18, and 20 mixed together)

under "C. Exts," 'Curiae Exitus' on p. 24, is this entry: "ffRANC: BAYNE ten. tr. in *Buerton* [*sic*], vs.," i.e., 'Francis Bayne holds lands in *Buerley*, 5s.'

In Part 3 of the same book, under "Exitus et amercia-
menta coram Baron, Anno XIV^{to}. Reg. Caroli," "Termino
Sci. Mich." [1638] occurs 'Curiae Exitus.' 'ffRANCISCUS
Bayne ten' ter in *Buerley*, 3s. 4d.' On the left margin is
also written against the name "ij^d. Clm. tot." probably
'Clameum totum.'

Francis Bayne must have been married in 1643, as his
eldest child (1) Francis, son and heir, was baptised, Feb.
1643-4, though we have no record of his marriage,
or of the name of his wife.

In the "Plaint Book of the Mannor of Fountaines, A^o.
1649-1654," (*Studley Royal*, 6,40) under 'Cur. Baron, 21
Aug., 1650,' is the following entry, thus Extended:
'ffRANCISCUS BAINE querens versus Thomam Lupton de
placitatione capcionis et injuste detencionis unius eque
color bay pretii 8li et pulli equini color nigri pretii 3li de
bonis et catallis ipsius ffRANCISCI contra vadimonium et
plegium."

Underneath this is written '4 September, 1650.'

'FRANCIS BAINE plaintiff against Thomas Lupton on a
plea of the taking and unjust detention of one mare, colour
bay, value 8l., and of a foal, colour black, value 3l., of the
goods and chattels of the same Francis, against his recog-



nizance and pledge.' The same entry is repeated under 'Cur. Baron, 11th September, 1650,' 'Cur. Baron, 20th October, 1650.' At the 'Court of Pleas, 6th October, 1652,' in the same book, I found this entry, "FRANCIS BAINE agt Thomas Buck in an accion upon the case," [*i.e.* 'as the action is,' or 'as the case may be'; John Impey, *Instructor Clericalis*, 2nd Ed., 1785, 8vo.] The same entry occurs again in the 'Court of Pleas, 27th October, 1652,' and 'C. of P., 17th November, 1652,' in the same book. An "Action upon the case is a writ brought against anyone for an offence done without force, and by law not specially provided for." (Bailey, *Dic.*) It embraces a number of offences specified in Impey, p. 11.

FRANCIS BAYNE II. (son of Marmaduke) was buried January 4th, 1652-3, at Pateley Bridge, his place of residence being given as *Brighouse* (*Pateley Bridge Registers*). There is no record of the burial of his wife.

FRANCIS BAYNE III., his heir, whose marriage is not recorded at Pateley, had one son, FRANCIS (the only registered child), baptised April, 1665, the father's residence being given as *Brighouse*.

In the '*Plaint Book of Fountains*, from 1662 to King Charl. ye 2nd, ye 10th of his reign' [1669-70], in 'Curia placitorum [Court of Pleas] 23 Jan., 1665-6,' (*Studley Royal*, 6, 40), occurs this entry: "Idem [Johannes Messenger] querens versus FRANCISCUM BAYNE de plácito debiti"—against which is written "alias capias," which means that he

did not appear. "If the defendant be not found on the first writ, before the return, then issue an *alias*, which is called an *alias capias*," etc., distinguished by the words 'as before we have commanded you,' when it reads: "Charles, etc., to the Sheriffs, etc., . . . greeting. We command you as before we have commanded you, that you take *John Smith*, if he may be found in your bailiwick, and safely keep him, so that you may have his body before us at, etc., etc. (Impey, p. 85).

There is no Bayne mentioned at *Bewerley* in the *Subsidy Rolls* of 1664, 1665, the *Hearth Tax*, 1672, or *Bewerley Manor Court Roll*, 1675.

Two months later, or on the 28th March, 1666, this entry is repeated, so I will here give it in English: "John Messenger plaintiff [in his own Court!] against FRANCIS BAYNE on a plea of debt." Under the last word is a little note, apparently 'rpt' for 'receptum.'

FRANCIS BAYNE, III., was buried February 29th, 1667-8 at Pateley Bridge, his place of residence being given as *Bridgehousegate* (*Pateley Bridge Registers*). At the time of his death, his son was under three years of age, so there can be no doubt that the following ANNE was the widow of FRANCIS BAIN III., of *Brighouse*.

In *Fountains Call Book*, March 31st, 1668 (*Studley Royal*, 6, 39), we find under 'Bewerley,' ANNE BAINE, widow; and again in another *Court Roll*, entitled "The



Order for Keeping the Court Leete at Fountaines for the Liberty thereof, held at the Hall of Pleas within the Abbey of Fountaines, upon the 4th day of April, 22 Car." [1670]. (*Studley Royal*, 6, 39), we find under 'Bewerley,' 'ANNE BAYNE, widow,' and 'MARGARET Hardcastle, vidd.' The latter we know as Margaret Bayne, whose marriage to Thomas Hardcastle is recorded in the Pateley Bridge *Register* in May, 1616.

Of FRANCIS BAYNE, IV., of *Brighouse*, we have no certain evidence beyond the date of his baptism, April , 1665 (*Pateley Bridge Registers*). If he be the FRANCIS BAINES of *Pateley Bridge*, buried June 17th, 1737," (*Pateley Bridge Registers*), the second line of *Brighouse* became extinct with him.

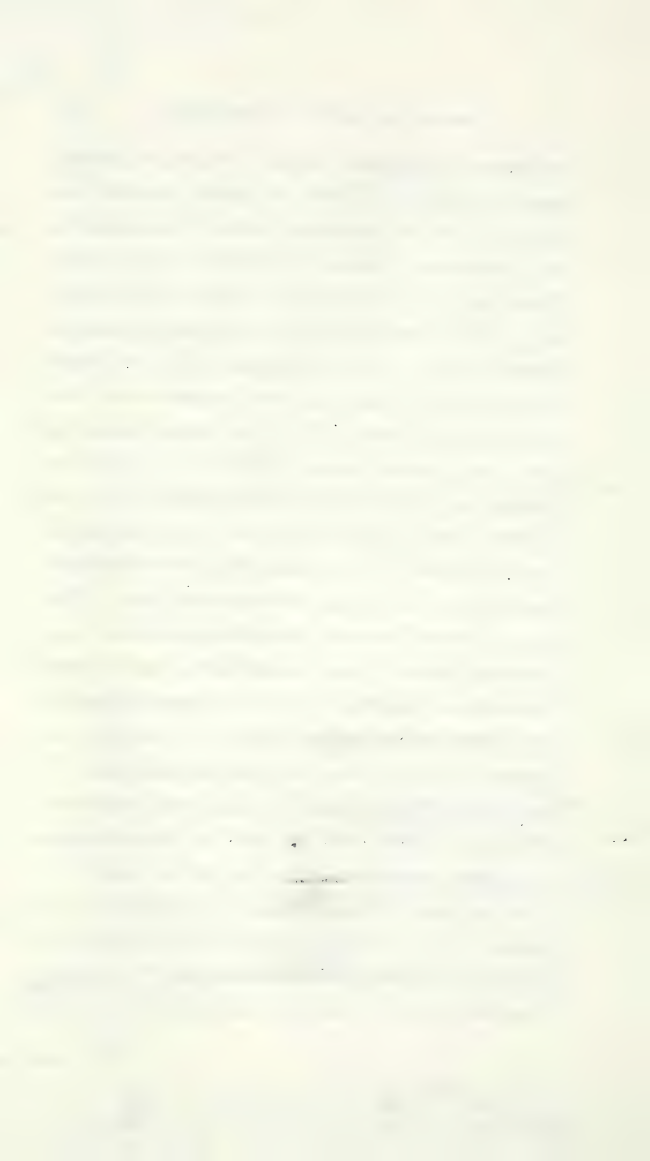
THIRD BRANCH OF SECOND LINE OF BRIGHOUSE.

CHRISTOPHER BAYNE II. OF BRIGHOUSE.

The *Inquis. post mortem* of Marmaduke Bayne, son of Francis Bayne given above, mentions a CHRISTOPHER BAYNE of *Brighouse*, who died 23rd August, 1618, and his son MARMADUKE BAYNE, who died 8th August, 1629, both of whom had a lifehold in one of the farms, the fee simple of which belonged to Francis Bayne, father of Marmaduke. The relationship of Christopher to Marmaduke is not stated, but in point of date they rank in the same generation.

As Robert, the registered brother of Francis, is not mentioned as having any claim, it appears probable that Christopher was an unregistered son of Marmaduke II., and intermediate brother of Francis I. and Robert. Christopher Bayne of *Brighouse*, seems to have married twice. He had one son and three daughters registered at Pateley Bridge: 1, SAMUEL, baptised March 3rd, 1585-6, of whom we hear no more; 2, ANNE, baptised March 11th, 1581,[?] buried October, 1581; 3, JANE, baptised September, 1587; and JOANNA, baptised October, 1591, who was probably the JENNET BAYNE, buried April 1597. The 'Mistress Bayne,' buried November, 1591, was almost certainly his wife. If so, CHRISTOPHER BAYNE must have married again. His second wife's name was ALICE. They occur in Edward Peacock's *List of Roman Catholics*, 1604. 'Bewerley Pasture,' 'CHRISTOPHER BAYNE, ALICE his wife, KATHEREN his daughter.' It is to be observed that neither Marmaduke nor Katheren, children of Christopher, are registered at Pateley Bridge, and that, therefore, there may have been two Christophers. Confusion worse confounded! Until some further evidence turns up, the provisional arrangement adopted has at least the merit of simplicity.

In the *View of Frankpledge*, held at Fountains by Sir Stephen Procter, 8th April, 1605 (*Studley Royal*, 6, 39), we find the following entry (thus extended): "qui quidem Juratores dicunt et putant super sacramenta suorum quod



Davidus Elsworth de Warsell, Ricardus Kighlaye de Lofthouse, CHRISTOFERUS BAINÉ de *Brigghouse*, Thomas Collyer de *Beiverlay*, Thomas Wilson de eadem, Thomas Hardcastle de eadem, Milo Rayner de Winslaye, Thomas Hardcastle de Dacre Bankes, et Willielmus Winde de Felbeck per uxores eorum sunt communes tipulatores cervicie [*sic*] et per illicitatas [*sic*] mensuras vendiderunt cerviciam [*sic*] et fregerunt affidem. Juravit quilibet eorum in unam denegationem ut pateat super capita sua separatim.” Which is being translated :

“Which Jurors indeed say and suppose upon their oaths that D.E., R.K., C.B., etc., are through their wives common retailers [*tipulatores*, not ‘tipplers.’ ‘Tipularia domus,’ an Alehouse ; Martin, *Record Interp.*, page 249], of beer, and have sold beer by falsified (*illicitatas*) measures and have broken faith. Each of them swore to one common denial, as appears under the head of each separately.’

CHRISTOPHER BAYNE was *buried* as stated, August 23rd, 1618. There is no record of the burial of Alice his wife. Marmaduke his son appears to have died without issue. “MARMADUKE BAYNE comonly called Crepple Bayne *bur.* August 8th, 1629” (P.B.R.) Of SAMUEL we have no evidence but the fact of his baptism, but as this part of the register is only a copy, I suspect Samuel to be a misreading of an antiquated abbreviation of Marmaduke.

FOURTH (? THIRD) BRANCH OF THE SECOND LINE OF BRIGHOUSE.

Admon Bond of ROBERT and AGNES BAYNE of *Brighouse*.

"Noverint Universi, per praesentes nos Franciscum Grange de Netherdale in Comitatu Ebor' Yeoman et Franciscum Grainge de Coultous in Comitatu praedicto Yeoman et Johannem Langthan de Rippon in Comitatu Ebor praedicto teneri et firmiter obligari Venerabili viro Johanni Levet Legum Doctori Scaccarii Ebor' Commissario in centum libris bonae et legalis monetae Angliae solvendis eidem Johanni Levet aut suo certo attornato executoribus administratoribus successoribus sive assignatis suis ad quam quidem solutionem bene et fideliter faciendam obligamus nos et quemlibet nostrum pro se pro toto et in solido heredes executores et Administratores nostros firmiter per praesentes sigillis nostris sigillatas. Datum vicesimo sexto die mensis Maii anno domini millesimo sexcentesimo quadragesimo octavo [6th May, 1648]. Francis Grainge, Francis Grainge, John ^{marke} Lanthewn. Sigillatum subscriptum et deliberatum in praesentia Guliel. ^{IL} Smith, Hugh Ripley.

The condition of this obligation is such yt if the within bounden Frances Grainge doe well and truly administer all and singular the goods rights credits cattells and chattells which late were and did belonge unto ROBERT BANE and AGNES BANE late of *Brighouse*, in ye Diocesse of Yorke *deceased* and doe paye theire debts soe farr as their goods will extend and lawe shall binde him. If alsoe he doe exhibite into ye Exchequer Court at Yorke a true and pfect Inventory of all and singular the goods rights credits cattells and 'chattells which late were and did belonge unto ye sayd deceased And doe make a true and just accompt thereof when he shall be thereunto lawfully called. If alsoe he doe upon lawfull warninge to him given bringe into ye sayd Court the Letters of Administration nowe to him granted And doe stand to and pforme such order and decree as shall be made concerning the distribution of the sayd estate and doe enter into better bond for ye due pformance of ye pmisses (if it shall be thought requisite and needfull) And lastly doe save defende and harmeles keepe the within named Comissary and all other his Officers and Ministers against all men by reason of the pmisses Then this obligation to be voyde and of none effect or els to remaine in full force power and vertue—(York, *Register Book*, IV., *Bundle* for June, 1649.)



? THIRD LINE OF BRIGHOUSE.

For want of any other visible progenitor, and subject to further evidence, I have provisionally conjectured OTTIWELL BAINÉ to be the third son of Marmaduke the Bailiff, and Alicia his wife, and younger brother of Roger the Bailiff and Marmaduke II. of *Brighouse*. The only evidence respecting him is contained in the *Pateley Bridge Registers*, in which he has three registered children, viz.: GEORGE, *baptised* August 21st, 1553; JAMES, *baptised* May 4th, 1558; and KATHERINE, *baptised* May 5th, 1555.

After this, OTTIWELL BAYNE and all his children disappear as completely as if they had never been born. There is no evidence respecting his wife.

§ II.

In the MS., Dodsworth (50 fo.), for the use of a copy of which I am indebted to the Rev. J. W. Darnbrough, in the account of "A Tenth Collected before the 15th yeare of Edward IV. [1475], in the Wapentake of Claro (out of Mr. Edward Plumpton's Book)," under the head of 'Thornton and Bishopside,' JOHN BAYNE appears as a landowner. There is a separate list for 'Thornton,' in which neither he nor any other Bayn appears.

Whether the JOHN BAYN of *Bewerley Moor*, before 1457, the JOHN BAYNE of *Growelthorpp*, 1461, and the present JOHN BAYN, 1475, be the same or different persons, I have



of *Brighouse* and *Bewerley*. CHAP. IX., § 1.

p. 192, Lucas's *BAYNE OF NIDDERDALE*.

Bewerley Moor
House. =
John Bayn,
1457.

Christopher = Elyn
Bayn, I. of [Askewith?]
Brighouse, widow of
1496. *Bewerley*,
Will dated 1523, 1525.
1509;
Constable
1515;
Will proved
Ap. 17, 1520.

Marmaduke Bayn, I. of <i>Brighouse</i> , Bailiff of Nidderdale for Fountains, 1535. Admon 24 March, 1536-7.	= Alicia.	Margaret living 1509: <i>Bur.</i> Oct. 14, 1558, at Bateley. (P.B.R.) =
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2

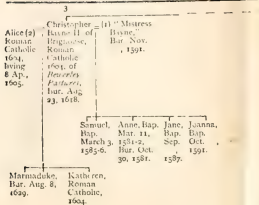
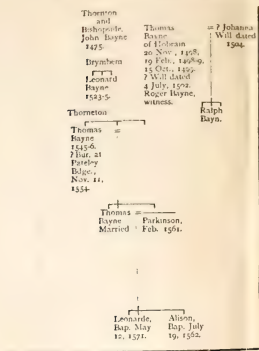
1

Marmaduke =
Bayne, II.
of *Brighouse*,
Bur. Sent

Roger Bayn,
Bailiff of Nidder-
dale for Byland,
1540 of Byland

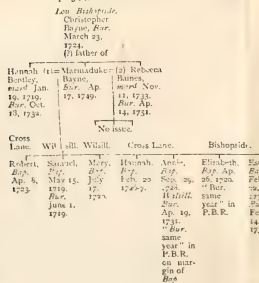
= ? Alison.

? Widow.
whose dau



PEDIGREE No. 15.]

See p. 594, *LUCAS'S BAYNE OF NIDDERDALE*



no evidence to show, or whether either of them be the JOHN BAYNE who signed the Middlesmoor Chapel Deed November 15th, 1484.

On one roll of parchment at Studley Royal (6.40) are written in one handwriting the records in abbreviated Latin of three Courts Baron. The whole document is so faded as to be legible in very few places. From it I extracted the following :

At a *Court Baron of the Liberty of Fountains*, held at *Kirkeby Malseard*, 20th November, 14 Henry VII. [1498], is mentioned in the accus. the name "THOMAM BAYNE de *Hobrain*" [*Hobgreen*, near Markington]; also in the accus. 'JOHANNEM BAYNE de *Midlesmore*.' At another *Court Baron* held there 19th February, 14 Henry VII. [1499], the same two names are repeated. At a third Court Baron held there 15th October, 14 Henry VII. [1499], the following names occur, 'THOMAS BAYNE'; 'THOMAS BAYNE de *Hobrain*': 'JOHANNEM BAYNE de *Midlesmore*'; 'THOMAS BAYN, ijd.' CRISTOFERUS BAYN,' foreman of Jury.

I strongly suspect this THOMAS BAYNE of *Hobrain* to be the same as the following, who died in the Hospital of S. Mary Magdalene at Ripon. His Will in Latin is printed in the *Acts of the Chapter of the Collegiate Church of Ripon*, A.D., 1452-1512 (*Surtees Society*, Vol. 64, page 268).

Page 268 (109 v.) Testamentum Thomae Bayn infra hospitale Beatae Mariae Magdalene decedentis, 4 July 1502. Ego THOMAS BAYNE . .

do, et lego . . . corpus meum sepeliendum in cimiterio Beatorum Petri et Wilfridi Ripon'. Item lego pro mortuario meo, meum optimum animal. Residuum vero omnium bonorum meorum superius non legatorum, debitis meis inde persolutis do et lego RADULPHO filio meo et JOHANNAE uxori meae quos constituo e ordine executores meos" . . . Hiis testibus domino Thoma Brathwate seniore et ROGERO BAYN, etc.

'The Will of Thomas Bayn dying within the Hospital of S. Mary Magdalene, 4th July, 1502. I, THOMAS BAYN . . . give and bequeath . . . my body to be buried in the churchyard of Sts. Peter and Wilfrid of Ripon. Also I bequeath for my mortuary my best beast. But the residue of all my goods not bequeathed above, my debts having been thence discharged, I give and bequeath to RALPH my son, and JOHANNA my wife, whom I constitute and ordain my executors . . . These being witnesses, Master Thomas Braithwaite, senior, and ROGER BAYN, etc.'

How ROGER BAYN was related to THOMAS, or where Roger Bayn lived is not shown, but the only ROGER of whose existence I have found evidence about this period is ROGER BAYN of *Woodale*, son of Christopher Bayne and Margaret Vavasour.

Among the Chamberlains' Rolls (*Surtees Society, Memor. of Ripon*, Vol. 81, page 262) is the Compotus Will. Stabull capellani camerarii a festo S. Marci usque idem festum, 1520-3; in which is this item (p. 266), 'Spiritualitas. Est de 10^s. per manus Rob. Dokker, capellani decani capituli ecclesiae collegiatae praedictae. h. a. de probacione

testamenti et acquietancia, viz. : . . . THO. BAYN, 2^s.
That is for the proof of the above Will of THOMAS BAYN,
and the discharge of his executors.

JOHANNA or JOAN wife of THOMAS BAYN, was also an inmate of S. MARY MAGDALENE, where she died two years after her husband, as appears from the following entry in the same Vol. (*Ripon Chapter Acts*, page 192), A.D. 1504 :

(120) Testamenta et correctiones accidentia infra jurisdictionem capituli ecclesiae collegiatae et [sic] festo Sancto Marci Evangelistae A.D., 1503, usque ad idem festum A.D., 1504. ijs. Executor testamenti [] BAYNE viduae commorantis [p. 293] dum vixit in hospitali Beatae Mariae Magdaleneae juxta Ripon, viz. : RADULPHUS BAYNE filius ejusdem.

'Wills and official orders respecting them happening within the jurisdiction of the Chapter of the Collegiate Church, etc., from the feast of St. Mark the Evangelist [Ap. 25] A.D., 1503, to the same feast, 1504. 2^s. The Executor of the Will of [] BAYNE, widow, who dwelt while she lived in the Hospital of S. Mary Magdalene, near Ripon, viz. : RALPH BAYNE, her son.'

'*Valor*, 1546-7. The Hospital of St. Mary Magdalen in the sd. parish of Ripon, Marmaduke Bradley, incumbent, Master of the same, showing no foundation, but used there to keep two priests and five poor people to pray for all christian souls, either priest having for his stipend 4*l*., and each of the poor people 6*s*. 8*d*.'—(*Mill. Record II.*, 32.)

What became of RALPH BAYNE, the son of Thomas, does not appear. The fact that he was his mother's executor, and therefore of age in 1504, makes him too old to have been the Bishop of Coventry and Lichfield, as I

once thought. I may just mention that a RADULPHUS BAYN appears as a freeholder at *Grewelthorpp* in 1537, as will be detailed under that head; and a RADULPHUS BAYNE in *Fountains Earth* in 1543-4, for whom see under *Middlesmoor*. These I mention as RALPH BAYNE is a scarce name at this period.

Subsidy Rolls, $\frac{207}{128}$, 15 Henry VIII. [1523] and $\frac{207}{136}$, dated 20th December, 16 Henry VIII. [1524], for copies of which I am indebted to the Rev. J. W. Darnbrough, give under '*Brymbem*,' LEONARD BAYN in goods, xls. xijd.; but they also give the same name and amount of assessments under *Middillismore*, under which head the question of identity will be treated. I mention LEONARD BAYNE of *Brymbem*, here because it is a scarce name, and we shall shortly find it occurring again in this group.

In *Subsidy Roll* (old No. JEG, 15163) 37 Henry VIII. [1545], in which no BAYN is mentioned in the Liberty of Ripon. Crossgate, Skellgate, Westgate, Aismondby by Bondgate, Stonely et Slemynfurth, Stodeley, Markenfikld, Thorp, Mounkston, Skelton, Engerthorp, Markington, Nydd, Newton, Hewyk cum Hewyke, Sharow, Newby, Westwyk, Salley (Sawley), Wynkesley, Dacre Pasture, Hertwith and Winsley, Bishopside, Carlsmore, Studley Roger, Grantley cum Evestone, we find under '*Thornton*,' THOMAS BAYNE *in feodis*, xx^s. ij^d.' and others which will be mentioned in their proper places.

'THOMAS BAINE was buried [at Pateley Bridge] Nov. 11th, 1554' (Pateley Bridge *Registers*), no residence being given. In the "Computus Radulphi Sygiswyke capellani camerarii ecclesiae Riponiae a festo Sancti Michaelis Archangeli in annis regnorum regis Philippi et Mariae reginae iii^o. et v^o. usque idem festum proxime sequens in annis regnorum regis et reginae quinto et sexto" (printed in *Surtees Society*, Vol. 81, page 320, et seq. No. 17 of the *Chamberlains' Rolls*), among 'Oblaciones mortuorum'¹ (page 321) occurs, 'De oblacione . . . (page 322) . . . THOMAE BAYRNS, 5th July [1558], 10d.' If this were the same Thomas who was buried at Pateley Bridge, his oblation was paid more than three years after his death.

THOMAS BAYNE and Dorothe Parkinson were married [at Pateley Bridge], February [], 1561-2 (Pateley Bridge *Registers*). ALISON, daughter of THOMAS BAYNE was *baptised* July 19th, 1562; and LEONARDE, the sonne of Thomas Bayne was *baptised* May 12th, 1571. both at

¹ 'OBLATIONS OF THE DEAD' (*plu*). Oblation, an Offering. Oblations of the Altar, customary offerings presented by parishioners to the Priest, and solemnly laid upon the Altar. *Fün*eral Oblations, offerings to atone for the defaults of the deceased Party in paying Tithes or other Ecclesiastical Duties (Bailey, *Dic.*) Latimer in his 2nd *Sermon on the Card* translates the Greek word *Doron* (Lat. *Munus*) in Matt. V., 23, 24, by 'Oblation'—'When thou makest thine oblation at mine altar'—and adds: 'Oblations be prayers, almsdeeds, or any work of charity: these be called oblations to God,' by which I understand that he was defining oblations not as they were but as they ought to be.

Pateley Pridge (Pateley Bridge *Registers*). After this the whole family disappears.

It is a legitimate speculation whether Sir Thomas Baynes (Bayne) did not spring from this line. He was born in 1622, and that is all that appears to be known of his origin, which was admittedly humble. Isolated individuals who spring from an obscure source, and afterwards attain eminence, are often the most difficult to trace, as they take every care during their lifetime to prevent their origin being known. I may here add the following to the account of Sir Thomas Baynes in Chapter VII.

(*Surtees Society*, Vol. 65, page 336). Autobiographical Memoranda. Dean Dering 1682, October 2nd. In Nov. died Sir John Finch, brother to my Lord Chancellor. He was newly returned from his embassy at Constantinople, with a design to spend the rest of his days in England. In the summer he buried his dear friend and the companion of his life, Sir THOMAS BAYNES, in the Chapel of Christ's College, where they first grew acquainted. He brought his body from Constantinople, where he died. I was at the funeral. He was buried by his friend not long after in the same chapel. (Page 464). *Appendix*. Inscription to SIR THOMAS BAINES, in the Protestant Cemetery at Constantinople :

'Clarissimum illustrissimunque D. THOMAM BAINES Equitem Auratum, cujus interiora hic posita sunt et illustrissimum excellent-



issimumque D. Johannem Finch Equitem . . . Legatum qui post suave et irruptum animorum conjugium per 36 integros annos Sodalitium, etc., obiit die 5 Sept., A.D., 1681, ætat. suae 59.'

§ III. UNIDENTIFIABLES IN PATELEY BRIDGE REGISTERS.

(1.) "Thomas Hardcastle and MARGARET BAYNE married May 12th, 1616. It has been seen in the 'View of Frankpledge at Fountains, 8th April, 1605,' (page 190, above) that there were then two Thomas Hardcastles, both married, one living at *Bewerlay*, and the other at *Dacre Banks*. It may be conjectured that the Thomas who married Margaret Bayne might be a son of the former. In *Subsidy Rolls*, $\frac{208}{288}$, 39 Elizabeth [1597], under 'Kyrkeby Malzerde,' and $\frac{209}{322}$, 18 James I. [1620], under 'Kirkbie Malsert,' and $\frac{209}{334}$, 21 James I. [1623], under 'Kirkby Malzard', occurs the name 'Thomas Hardcastle.' In *Subsidy Rolls*, $\frac{210}{387}$, 12th October, 15 Charles II. [1663], under 'Steanbeck Downe' appears Thomas Hardcastle, as also in $\frac{210}{400}$, 24 Charles II. [1672], the Hearth Tax, with two Hearths.

In the "*Plaint Book* of the Manor of Fountains, from 1662 to King Charles ye 2nd, ye 10th of his reign" [1662 to 1670] (*Studley Royal*, 6, 40), are these abbreviated entries: (1.) '30th December, 1663. WILLMS. BAINE querens versus Thomam hardcastle de placito transgressionis super casum' (on a plea of trespass on the case). Under

this is written : "dies dat. querenti usque proximam Curiam ad narrandum," 'a day given to the plaintiff until the next court to tell his story.' (2.) "20th January, 1663-4. WILLIAM BAINE," etc., as before. Below which is added : "dies dat. querenti ad narr. et peremptorie ad narr' proxa 'cur'." (3.) "10th February, 1663-4. WILLIMUS BAINE," etc., and the addition as before, 'a day given to the plaintiff for telling his story, and peremptorily for telling it at the next court.' [4.] "2nd March, 1663-4. WILLIMUS BAINE," etc., as before, with this addition : "Allocat[ae] hae (?) transgressiones ex parte defen[dentis]," 'These trespasses allowed on the part of the defendant.' Trespass in Law means any transgression of the Law except Felony or Treason (Bailey, *Dic.*). In the *Plaint Book, etc.* (*Stud. Roy*, 6,40), under "Curia Placitorum, 23 Jan., 1665[-6]," appears "Johannes Messenger querens versus WILLMUM BAYNE de placito debiti. concordantur." In a document endorsed 'Court Roll of ye Man^r of Bewarley,' and entitled : "Manerium de Buerleye. Cur. Let. et Baron dne Mariae York tent. ibm. decimo nono die Aprilis anno Regni dni Caroli secundi dei Gracia Angliae Scotiae Franciae et Hibniae Regis fidei defensor, etc. XXVII^o, Annoq. dni 1675," occur under 'Greenhow' the names of 'NATHANIEL BAYNE and MARGARET HARDCASTLE, vid.' For a copy of this and of a Court Roll of Bewerley, 20th February, 1649, entitled "Manerium

de Bewerley in Nidderdale, Cur. Barmote Stephani Jackson generosi tent. apud Bewerley pro mineriis plumbi infra eodem Manerio die Mercurij, vizt.: vicesimo die Februarij anno dni. 1649," I am indebted to the Rev. J. W. Darnbrough. In this last Roll there are no Bayns, but 'Willielmus Hardcastle.'

Upon Mr. Darnbrough's copy of these two *Court Rolls* is the following important memorandum, "Copied these two records received from Mr. T. Thorpe [of Pateley Bridge], Oct. 7, Mon., 1872, same day. Applied for the view of the C. Rolls (thro' Mr. S. B. Brasher) Sat., Sept. the 28th, '72, they were procured from the man who had to burn them, Wednesday, Oct. 2, 1872." I have supplied a copy of this note to T. Edward Yorke, Esq., J.P., of Bewerley Hall, as this took place before his time.

MARGARET BAYNE (Hardcastle) remains unidentifiable.

"William Marshall and MARGARET BAYNE married May , 1630." (Pateley Bridge *Registers*). In Peacock's *List of Roman Catholics*, 1604, I find under 'Thorneton,' 'wief of William Marshall,' who may have been the father of the above William Marshall. MARGARET BAYNE unidentifiable.

"Anthony Collier and MARY BAINES married November 3rd, 1630." (Pateley Bridge *Registers*). In the "*Plaint Book* of the Mannor of Fountaines A^o. 1649-1754." (*Studley Royal*, 6, 40), occur the following entries: (1.)



"8th November, 1649. MARIA COLLIER, vid. Admistr. Anthonij Collier defunct. querens versus THOMAS [*sic*] BAINE et ELIZABETH BAINE de placitatione (?) debi[ti] Henr. Prockter, gen[eroso] pleg' pro d[ebito]." 'MARY COLLIER, widow, Administratrix of Anthony Collier, deceased, plaintiff versus Thomas Baine and Elizabeth Baine on a plea (?) of debt. Henry Prockter, gentleman, surety for the debt.' (2.) "Cur. Baron, 19th December, 1649. MARIA COLLIER, vid. Admstr, etc., versus THOMAS [*sic*] et ELIZABETH BAYNE." Over the name THOMAS is interlined. "in person." (3.) "Cur. Baron. 9th January, 1649-50. MARIA COLLYER, vid, Admstr, etc., quer, vs. THOMAS [*sic*] et ELIZ. BAINE de placito debi[ti]. Over the name THOMAS is interlined "in person," and under the entry is added[(?)-] "sol. die admon. predi[ctae]." I am not sure what the first hieroglyphic stands for, the rest reads 'paid on the day of administration aforesaid.' There seems to have been war to the knife, for now THOMAS Baine turns the tables. (4.) "Cur. Baron. et placitorum Ricardi Ewens generosi ibimet tent[a] 8 Maij, 1650. THOMAS BAINE querens versus MARIA COLLIER de placitatione transgressionis super casum," 'on a plea of trespass on the case.' There is no further entry. There is one further entry in the Pateley Bridge *Registers*, "Elizabeth, daughter of Collyer or Baines, buried January 5th, 1713." Mary Baines may have been the daughter of Francis Bayne I. of



Brighouse, but that Mary seems to have been *buried* in the name of Bayne, March 4th, 1643.

"Christopher Buck and MARY BAYNES married April 9th, 1635." (*Pateley Bridge Registers*). There was a Christopher Buck at 'Patlebrigges cum Bushopside' in 1634 (*Peacock's List of Roman Catholics*), and a Christopher Buck at Kirkby Malzeard in 1672 (*Hearth Tax*). MARY BAYNES unidentifiable. The suit of Francis Baine II. of *Brighouse*, against Thomas Buck has been given above (page 185).

"George Brookes and MARGARET BAYNE married May 17th, 1636," (*Pateley Bridge Registers*), unidentifiable.

"Johannes Abbey and FRANCES BAYNE married October 11th, 1715," (according to Scott's copy, *Pateley Bridge Registers*). In the *Middlesmoor Registers* "Blashey. John Abbey and FRANCES BAYNE married December 3rd. 1715."

§ IV. BEEN, BEYNE, BEYN, BENE, BEANE (*Miscellaneous Notes*).

BEEN, BEYN, OF CLINT, FOUNTAINS PARK, KILLINGHALL, BIRSTWITH.

In *Subsidy Roll* $\frac{206}{49}$, *Poll Tax*, 2 Richard II., collected 1380, under the 'Township or Constabulary of *Clint*,' occurs:—"THOMAS BEEN, et ux̄or, 4d." In 1457, as we have seen above (p. 161), we found JOHN BEEN at *Fountains*.

On "Feb. 10, 1494, License was granted to the Curate of St. John Evan., York, to marry THOMAS BEYNE, par. St. M., Bishophill, Senior, and Margaret Marshall, par. St. John's." (*Surtees Society*, Vol. 45,

p. 359). This was, therefore, a second marriage, and Thomas Beyne had a son, also named Thomas, by his first wife.

Will of Sir Ralph Scrope, of Upsall, August 5, 1515. "Also I Will that Sir BRIAN BEYN, my chapleyn, do syng, etc. . . . These being present, Sir Christopher Danby, Kt., Sir Rauffe Rookesby, Sir BRIAN BEYN, chapleyn, . . . and RAYNALD BEYN, witnesses." (*Surtees Society*, Test. Ebor., Vol. xxix.): also the following witness to the Will of Robert Beckwith, of Sullingfleet (Stillington), no date, one of the witnesses, Sir JOHN BEYN. In both these cases the title 'Sir' was that arrogated by the pre-reformation clergy.

Unfortunately we have no Roll in the Wapentake of Claro which gives names (except $\frac{206}{83}$, 21 Henry VI., 1443, which only records seven names until $\frac{206}{100}$, 6 Henry VIII., 1515, but that does not include Clint. Nor do $\frac{207}{128}$, 15 Henry VIII., 1523-4, or $\frac{207}{136}$, 16 Henry VIII., 1524-5, or $\frac{207}{144}$, 32 Henry VIII., or $\frac{207}{147}$, 32 Henry VIII., 1541.

In $\frac{207}{178}$, however, 34 and 35 Henry VIII., 1543-4, we find, 'Uxor BEYN, vid. (widow), assessed *in terris* (lands) at 40s. 4d.,' and JOHANNES BEYN (probably her son) *in bonis* 20s. 2d.' In the same Roll we find 'ALFREDUS BEYN *in feodis* 3s. 6d.' at *Throscross*, and ROBERT BEYN *in bonis* . . . at *Clyfton* (Washburndale). That the name really is the same as BAYNE is proved by certain other names in *fountaine Earth* in the same Roll, $\frac{207}{178}$, viz.: ROBERTUS BEANE, MILO BEYNE, JOHANNES BAYNE, and three others spelt BAYNE, of whom I shall treat under Middlesmoor.

FOUNTAINS PARK.

This family of Beyne, if distinct, appears again in JOHN BEYN (Beane) de Minskip, Will and Inventory, 1562, *Richmond Calendars*, 119, b.w.; and in 'The Memorials of Ripon' (*Surtees Society*, Vol. 81, p. 314), in the Chamberlain's accounts for the year 1556-7, 'De oblacione . . . ux[oris] THOMAE BEYNE de *Fontuneparke*, 8 Dec., 2s. 7½d.,' also that for the death 'HENRICI BEYNE capellani, 9 Feb., 13½d.'—i.e. the mortuary for the wife of Thomas, and for Henry Beyne the Chaplain.

In the *View of Accomptes in Yorkshire and Durham* (Studley Royal, 4, 26), is the following entry:—

"*fountaynes perke*. Th' accompts of THOMAS BENE, flarmer their for iiij yeres ended at the feaste of St. Mich. . . . 5 Elizabeth [1563]."

"The s^d THOMAS BENE holdythe by Indentr the s^d pke for terme of yeres, paying therefore wt 4d. for bone money in A^o ij^{od} 29l. 13s. 8d., in A^o iii^o wt 4d. for bone money 32l. 13s. 8d.; in A^o iiij^o wt 4d. for bone

money 32*l.* 13*s.* 8*d.*; and in A^o v^o. w 4*d.* for bone money 32*l.* 13*s.* 8*d.*, in all being payable at the ffeaste of St. Michael . . . and the Annunc. of our ladye by even porcions, 127*l.* 14*s.* 8*d.*"

In "*A Booke of Receptes* for Anno 1568, By me W^m Baron, for the use of my maister Sr. Thomas Gresham, Knyght." (*Studley Royal*, 4, 22), occurs this entry:—

"*ffontaynes parcke*, Received the 16 daie of Auguste of THOMAS BEAN, for two yeares rente due at Mychaelmas nexte, viz. : lxvth vij^s iij^d."

In a "*Survey of Fountains Lands*, 16 Elizabeth, 20 Aug., 1574, No. 2." "The Survaie taken there the 20th day of August, A^o Dnⁱ, 1574," under "*fountanes pke graunge*," (*Studley Royal*, 4, 26), appears this entry:—

"One lease made by Sr. Thomas Gresh'm, Knight, to THOMAS BEANE, dated the 4th of August, 1561, of all that his pke of *fountains* w^t all lands, meadows, etc., excepte woods, timber, trees, pounds, fishings, etc., To have from Th'annuncⁿ w^b was in A^o 1560, unto the end of xvij. yeris yeldinge yerely 32*l.* 13*s.* 4*d.*, viz., at Mich^s and th' Annunc. w^t divers streat covennts. agst. the tent. [tenant] and clauses of reentree."

"for bone money 4*d.*"

Later in this year died, apparently, THOMAS BEANE, BEYNE or BAYNE, of *Fountains park*, whose [?first] wife's oblation or mortuary was paid 8 Dec., 1556; as, in the last cited *Survaie* appears also this entry:—

"*South Kerby*." [6½ miles South of Pontefract.] "NICHOLAS BEANN holdeth by Indentur^e w^b he hath not shewed the tythe corne and haye there for 3*l.* 6*s.* 8*d.* per annum, payable yerlye at th' annunc. and Michlms;" and in "*Th' accompt of Henry Jenkinson* and Will^m Singleton, of and for all mannor of Rents, fermes, Som and Sommes of money by them receyued of the landes and Revenewes of Sr. Thomas Gresham, Knight, w^t in the Co. of York, for one whole yeare ended at the feast of St. Martyne the Bishop in Winter [11 Nov.], A^o Eliz. XVII., and A.D. 1575," appears the following entry:—

"*Fountaines Park ferme* lett to WYDOW BEANN and NYCHOLAS BEANN at 32*l.* 13*s.* 4*d.*" This Lease would expire at "th'annuncⁿ" 1577.

Now, the presumption is that Wydow Beann was the widow of Thomas Beane or Beyn, and that Nycholas was his son, but we have seen that one wife of THOMAS BEYNE de *Fontanparke*, died in 1556. Therefore, Wydow Beann must have been his second wife. The question is whether the THOMAS BAYNE who married Dorothe Parkinson, at Pateley Bridge, Feb. 1561-2, was this Thomas Beyne of Fountains Park. As mentioned above (p. 197), the baptisms of two children are recorded at Pateley

Bridge, after which the whole family disappears from the Pateley Bridge *Registers*.

NYCHOLAS BEANN or BEYNE was in any event not the son of Wydow Beann, but her stepson. The last cited *account* of 1575 is the last evidence I have of the family of Beyne at Fountains Park.

Subsidy Roll, 37 Henry VIII. [1546], does not include *Clint* or *Birstwith*, nor does $\frac{208}{231}$, 8 Elizabeth, 1566, but we find the Administration Acct. and Bond of THOMAS BEANE de *Killinghall*, 6 Oct., 1568. (*Richmond Calend*). *Subsidy Roll*, $\frac{208}{288}$, 39 Elizabeth [1597], though it shows no Bayn under *Clint* itself, does show under 'Birstwith' JOHANNES BAYNE *in terris*, 20s. 4d.' The same Roll shows 'RADULPHUS BEANE *in terris* [in lands] 30s. 4l.' at *Killinghall* (1597). $\frac{208}{292}$, 40 Elizabeth, 1598, also shows no Bayn in *Clint* itself, but does show 'JOHANNES BEANE *in terris* 20s. 4d.' under 'Brystythe.' *Clint* is a hamlet in the parish of *Birstwith*. The same Roll also shows 'RADULPHUS BEANE *in terris* 30s. 6d.' at *Killinghall*. In a 'List of Roman Catholics in the County of York, 1604' (By Edward Peacock, Lond., 1874, 4to, p. 49), we find under 'Ripley paroch,' 'JANE BEANE, wief of RALF BEANE,' who was, of course, the above Radulphus Beane. The Will of JANE BEANE, of *Ripley*, with Inventory was proved 1 Dec., 1635. (*Richmond Calendars*, Eastern Deaneries, Vol. 20). *Subsidy Roll*, $\frac{209}{318}$, 7 James I., 1610, shows none under *Clint*, but under 'Birstwith,' JOHN BEANE *in terris* 20s. 1d., and under 'Killinghall,' 'RAUF BEANE *in terris*' . . etc. $\frac{209}{322}$, 18 James I., 1621, shows no Bayns in *Clint*; but $\frac{209}{334}$, 21 James I., 1624, shows at *Killinghall* by 'JOHN BEYNE, *in terris* 30l. 6s.' The same Roll shows no Bayns in Clifton, Hampsthwaite, Thruscross, Knaresborough, Stainley-cum-Catton, Staveley, Ripon, etc. *Subsidy Roll* $\frac{209}{358}$, Car. I., 1629, shows no Beyn, Bayn, or Beane, in *Ripley*, *Clint*, or *Birstwith*; $\frac{209}{364}$, 16 Car. I., 1641, also shows none in *Clint* or *Birstwith*. After an interval of forty years, *Subsidy Roll* $\frac{210}{387}$, 15 Charles II., 1664, shows at *Killinghall* 'WILLIAM BEANE *in terris* (in lands) 20s. 8d., $\frac{210}{393}$, 16 Charles II., 1665, shows under *Ripley* none, but under *Killinghall*, WILLIAM BEANE, 6 Hearths, Sir John Huley, 9; *Subsidy Roll* $\frac{210}{400}$, 24 Car. II., 1672, *Hearth Tax*, for a copy of which I am indebted to the Rev. J. W. Darnbrough, shows under *Clint*, Widow Baines, 1. *Knaresborough*, Sir John Hewley, 6, WILLIAM BANE, 3, THOMAS BANE, 1. *Stainley-cum-Catton*, Sir Salomon Swaile, 18, RICHARD BAINE 2.

CHAPTER X.

BAYNE OF MIDDLES Moor.

§ I. GENERAL PREMISES RESPECTING MIDDLES Moor.

IN the general premises respecting NIDDERDALE, we have seen that neither *Domesday Book*, the *Testa de Neville*, nor *Kirkby's Inquest* mention *Middlesmôre*, and that the earliest mention of Middlesmoor occurs in the *Prebend of Masham list* of 'divers places and granges within Nidderdale,' 22nd May, 1295. The name is no doubt much older than the place, and refers to the physical situation on the spur or tongue of land lying between the dale of the Nidd river and that of How Stean Beck. 'Mid dels more' is simply 'the moor of the mid part.' The origin of the settlement is certainly the chapel, which was placed there for two reasons. The parish church was at Kirkby Malzeard, eight and more miles away. The site is not only central for the upper part of Nidderdale, but conspicuous from a great part of the dale below. Even in Leland's time there was no village (1536-42), but only 'a chapell cawillyd Medlemore.' A small village clustered round the chapel

at a later date. The minister was supported by voluntary contributions, probably mostly in kind, from the people round. This I mention because there is an important connection between *Middlesmoor Chapel* and the settlement of the family of BAYNE there. Though the Chaplain was licensed, the Chapel and Chapel-yard were unconsecrated. But the history and state of the case, as the Baynes found it, is best gathered from the following original Documents :—

Fisher (*Masham and Mashamshire*, 1865, 8vo, p. 539), among some other “Extracts from *Torr's MSS.*, preserved in the Library of the Dean and Chapter of York,” has the following :—

“MIDDLESMOOR CHAPEL.”

“This composition and Concord was made between the Prebendary of Massam and Vicar of Kirkby Malsard, of the one part, and the Inhabitants of the town of Middlesmoor, in Nidderdale, on the other part, viz. :—that the said inhabitants of the town of Middlesmoor have therein one [p. 540] chapel, in which they were wont to hear divine service celebrated by stipendiary chaplain of their own, and also to have the sacrament administered to them by license of the Vicar, and now desire to have the said chapel and chapel-yard consecrated, that they might bury therein, and have baptisms and marriages solemnized. Wherefore, they promised for themselves and successors, inhabitants thereof to pay all the Tithes due, as well to the Prebendary as to the Vicar of Kirkby (in which parish it is), and will likewise observe all customs heretofore used, and also contribute towards the repairs and other burdens of the Mother church of Kirkby.”

“on 15th Nov., 1484.”

“Obtained the Archbishop's Commission, directed to William Bishop of Dromore, to consecrate the said chapel and chapel-yard. And on the

16 Nov., 1484, the said Indenture Covenant was confirmed by Thomas, Archbishop of York, accordingly."

"15th Nov., 1484, a commission was issued to William, Bishop of Dromore, to consecrate *capellam et Cimiterium in valle de Mydlemore infra circuitum de Nidderdale*." (*Fabric Rolls of York Minster*, p. 241).

Weatherhead (*History of Netherdale*, 1839, 8vo, pp. 16, 17) gives but imperfectly an Extract from the *Middlesmoor Registers*, which Wm. Grainge (*Nidderdale*, 1863, 12mo) copies *verbatim*. I therefore give it here as taken from that work (pp. 157-159), without guaranteeing its fidelity or accuracy—as I have not seen the *Register* myself:—

(P. 157). "In Registro *Thomae Rotherham*, Fol. 217, Consecratio et Compos. Capellae de Middlesmoor remanet in Archivis Arch. Ebor., in Anno 1484, et in Secundo Ricardi Tertij. Middlesmoor chapel was consecrated in ye year 1484, by Dromorend, Bishop of York, in ye second year of Richard the Third."

(P. 158). "Middlesmoor chapel was a second time visited by ye Bishop, at ye request of ye inhabitants of ye Vale of Middlesmoor, and ye chapel-yard enlarged and consecrated for a Burying place, with all Holy offices to be done at ye chapel by contract and agreement made between John Blith, Prebend [*sic*, but of course Prebendary] of Masham, John Mountforth, Vicar of Kirkby Malzeard, of ye one part; and JOHN BAYNE, RALPH BAYNE, SENR., MILES BAYNE, and RALPH BAYNE, JUNR., with ye rest of the Inhabitants of ye Vale of Middlesmoor, on ye other part. The Prebend[ary] and Vicar allow on their part to ye Inhabitants ye above privilege, on ye Inhabitants representing ye distance from ye church and ye difficulty of ye Road to convey their children to be Baptized, and their corps to be buried. The Inhabitants bind themselves for ever to pay Tithes and offerings, and all other customary dues and demands to ye Vicar, for ye Repairs of ye church with Bread and Wine and Clerk dues, as have been formerly done and paid by ye said Inhabitants of ye Vale of Middlesmoor; and not to keep back, or prevent ye gift for Souls from ye aforesaid Vicar and Prebend and their successors. Also ye Inhabitants, if any request it, may bury their dead at the Mother Church of Kirkby Malzeard."

"Search being made at York, ye 20th day of September, 1748, at ye charge of ye chapelry, the above account of ye consecration of this chapel, etc., was found in the Register, and [p. 159] placed down for the satisfaction of the curious." "(Signed), the Rev. Wm. Firth, Minister."

Now, as I shall show, Mr. Firth is responsible for two important mistakes which appear in the above, *first*, that the names are given in the wrong order, *second*, that the word "Senr.," after the name of Ralph Bayne, which has been copied into all the subsequent accounts, is an addition of his own.

Mr. Walbran gives a brief abstract, but does not mention the names in the same order (*Memorials of Fountains*, I., 346, Note). He gives them in this order:—"Ralph Bayne, Senr., Miles Bayne, John Bayne, and Ralph Bayne, Junr."

As the order of the names appeared to me to be important as evidence of seniority, I addressed the following question to Mr. H. A. Hudson, Diocesan Registrar, Minster Yard, York:—

"May I ask whether the order given by Walbran corresponds with the order of the names in your Registered Copy?" and was, by his courtesy, favoured with the following answer:—

"Yes. 'Senr.' not in Register. The order is as given here."

It will be observed that Walbran must have taken his abstract from the Register Copy, as he has the order right,

and that he also added the word "Senr." on his own responsibility.

That the Signatories to the Chapel Deed had Seals is proved by a postscript to the Deed, or at least to the Register Copy. "Quia sigilla sua," etc. 'Because their seals were known to few, they took care to have the seal of the Venerable man William, Archdeacon Howe in the Cathedral Church of Lincoln added to their own, on the second part.'

As this was the year of the incorporation or foundation of Heralds College (*History of College of Arms*. Mark Noble, 1804, 4to, p. 54), the loss of these seals is much to be deplored.

Here, then, we have, beyond any question the very beginning and original settlement of the BAYNES within the Chapelry of *Middlesmoor*, consisting of four men, presumably householders, of unknown relationship; about whom it is only possible to affirm with any approach to certainty that RALPH BAYNE was the *Senior*. They have left no *Pedigree* and no materials have come to my hand for constructing one.

On a single parchment Membrane at Studley Royal (6,40) much faded and in places entirely obliterated, are the *Rolls* of three *Courts Baron*, viz. :—

(1) *Court Baron of the Liberty of Fountains*, held at *Kirkeby Malzeard*, 20th Nov., 14 Henry VII. [1498] in which

is mentioned 'THOMAM [acc.] BAYNE de *Hobrain*' [Hobgreen near Markington] and 'JOHANNEM [acc.] BAYNE de *Middlesmore*.'

(2) In the *Roll* of another *Court Baron*, held there 19th Feb. 14 Henry VII. [1499] the same two names are also mentioned.

(3) In the *Roll* of another *Court Baron* held there 15th Oct., 14 Henry VII. [1499] 'THOMAS BAYNE,' 'THOMAS BAYNE de *Hobrain*,' 'JOHANNEM [acc.] BAYNE de *Middlesmore*,' and lower down 'THOMAS BAYNE ijd.'; also 'CRISTOFERUS BAYN foreman of Jury.' Still lower "Item presentant quod JOHANNES BAYN de *Middlesmore* [obliterated] cepit et " [oblit.]. (Studley Royal, 6,40).

As far as regards the four signatories to the *Middlesmoor Chapel Deed* of Nov. 15th, 1484, these three *Court Rolls* are the only other Documents that I have seen which mention any of them; and by these it is proved that JOHN BAYNE of *Middlesmoor*, at least, was living as late as 15th Oct., 1499, assuming that JOHN of the *Court Rolls* was JOHN the signatory.

In the *Richmond Calendar of Wills, Etc.* (Vol. II. 1400-1610) now at *Somerset House*, is the record of an *Administration Bond*, now lost, for the effects of "BAYNE, Jo. de *Middlesmore*, 1540, 106, w." There is no evidence to show whether this was the same JOHN, but no reason to doubt it on the score of time alone, as the *Bond* of 1540, was only

56 years later than the *Middlesmore Chapel Deed*. This may, however, have been John Bayne of *Studfold*, which see.

We have, however, at the *Record Office* a series of *Subsidy Rolls* (to be given shortly) from 1515 to 1525 in which several BAYNES are mentioned under *Middilismore*, but no JOHN BAYNE.

We have here a broken *Pedigree*, and no materials for repairing it.

In the case of one family only, that of *Woodale*, have we any *Pedigree* reaching back through the 16th Century, but even that cannot be connected with any of the Signatories to the Chapel Deed of 1484. The *Pedigree* referred to is the St. George Visitation *Pedigree* of 1612, to be given below under 'Woodale.'

I will now set forth in order of date, all the Documentary Evidence I possess, relating to the period covered by the St. George *Pedigree*, and to the Chapelry of Middlesmore, by far the most numerous of these Documents being the *Subsidy Rolls*. The earliest with names is *Subs. Roll* $\frac{206}{100}$, 6 Henry VIII., 1515, wherein we find under 'Villat' de Middillismore' (which is just preserved on a mere shred of parchment hanging from a mutilated membrane) :—

(*torn off*) BAYN, const[able]
 ROGERUS BAYN, const.
 Ro[na]ldus Craven
 Joh[ann]es Mourehouse
 Joh. Horner de Skarehouse a[rmiger].



So that it is evident that ROGER BAYNE of *Woodhall* was living and grown up in 1515. If the Christian name torn off was that of his father CHRISTOFERUS the husband of Margaret Vavasour, he died before 1523, but it may have been JOHANNES. The next Roll is 15 Henry VIII., 1523-4, in which we have under 'Middillismore':—

John Markynfeld, gent. in lands in the right of his wife ...	}	vl.	vis.	viii <i>d</i> .
ROGER BAYN in goods ...		3	18	0
LAURENCE BAYN in goods ...		0	40	12
LEONARD BAYN in goods ..		0	40	12

And we also find in the same Roll under 'Brymbem':—

LEONARD BAYN in goods ...	0	4 <i>cs</i> .	12 <i>d</i> .
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Then in $\frac{207}{136}$, 16 Henry VIII, 1525, we find under "Middillismore":—

John Markynfeld, gent., in lands	vl.	6 <i>s</i> .	8 <i>d</i> .
ROGER BAYNE in goods ...	3	18	0
LEONDE BAYNE in goods ...	0	40	12
LAURINS BAYNE in goods ...	0	40	12

and under 'Brymbem,' LEOND. BAYN in goods—4*os*. 12*d*. For these two Rolls I am indebted to the Rev. J. W. Darnbrough.

In Betham's *Baronetage of England*, 1804, Vol. V., p. 460, there is a printed *Pedigree* of the Family of BAYNES of Harefield Place, Middlesex, Baronets, which makes LAWRENCE the son of 'Robert,' which 'Robert' is stated to have been born in 1490, and is made the elder son of RALPH BAYNE the Elder, signatory to the Chapel Deed of 1484. No evidence is given, and so far I have failed to

find any evidence as to whose sons LAURENCE and LEONARD BAYNE were; we find a 'Robert' in ffountaine Earth 1543-4. There is nothing to show whether LEONARD of *Middillismore*, and LEONARD of *Brymbem* were one, or two different persons.

The *Valor Ecclesiasticus*, 1535, (Vol. V., p. 297), shows a PETER BANE who probably belonged to the Nidderdale or some Yorkshire family. The Entry is: "Kyrkby Stephen Vicar.' Rector' appropriat' monasterio Beate Marie Ebor. PETRUS BANE, Incumbens." PETER BANE was Vicar of *Kirkby Stephen*, the Rectory of which belonged to the Monastery of St. Mary, York.

The next *Subs. Roll* is $\frac{207}{144}$, 32 Henry VIII., 1541, a list of certain County names 'John Vavasour,' 'Thomas Markynfeld,' etc., no Bayns. The next $\frac{207}{144}$, of the same date, mentions under the Liberty of 'Kyrkby Malsard' only 'ALEXANDER BAYNS of *Byland Erth*' which comprised the present *Steanbeck Up* and *Steanbeck Down*.

The next $\frac{207}{178}$, 34-35 Henry VIII., 1543-4, does not mention *Byland Erth*, but gives under 'ffountaine Earth':—

Robertus Beane in bonis	...	xis.	<i>id.</i>
Milo [†] Beyne ,, ,,	...	xi.	<i>ijd.</i>
Joh[ann]es Bayne ,,	...	xi.	<i>ij.</i>
Rad[ulph]us Bayne ,,	...	xi.	<i>ij.</i>
Barbarey Bayne ,,	...	4 ^{l.} 4 ^{s.}	<i>od.</i>
Ric[ard]us Bayne ,,	...	ol. 40s.	4 ^{l.}

[†] In reference to the name Milo (*Anglice* Miles) Bayne, we may note the following Fines:—(1). "Michaelmas Term, 3 Edward VI., 1549. "Between MILES BANE, Plaintiff, and William Holbeck, Deforciant,

The same Roll $\frac{207}{178}$ [1543-4]. shows under '*Beamsley*,'
 "LEONARDUS BAYNE *in bonis*, 4*l.* 4*s.*"

There is no Bayne at Beamsley in any other Roll, whence it is probable that LEONARD BAYNE went from *Middillismore* or *Brymbem* to *Beamsley*, between 1525 and 1541; further, that he did not live or stay there long. From the subjoined note², kindly sent by William Mortimer

concerning 20 messuages and 10 cottages with lands, in Nafferton, Kyllom [Kilham], Russheton [? Rudston], Norton, Mapleton [Mappleton], Cowden [Great Colden or Little Colden], and Wetherwyke [Withernwick], which should William die without issue remain to John Beverley and his heirs." All the above places are in the East Riding. For this Fine I am indebted to Miss Isabel Baynes Badcock, of Somerleaze, Wells.

(2). Which I copied myself at the Record Office:—"Feet of Fines, 8 Elizabeth, 1565." "Hec est finalis concordia," etc. . . . 'Between MILES BAYNE, plaintiff, and Robert Lunde and MARGARET his wife, John Taylor and AGNES his wife, deforciant, concerning one messuage, one toft, one garden, one orchard, ten acres of arable, three acres of meadow, and three acres of pasture, with the appurtenances, in *Selbye*, whence a plea of agreement was taken between them in the same court, viz.: That the aforesaid Robert and MARGARET, and John and AGNES should recognize the aforesaid tenement, with the appurtenances, to be the just and lawful property of MILES BAYNE, etc. . . . The same MILES has given to the aforesaid Robert and Margaret, and John and Agnes 40*l.* sterling.' Endorsed "Scdm," etc. "1st procl., 20th May, 8th Eliz., etc. . . . 16th procl., 12th Feb., 9th Eliz."

For remarks on these Fines, see the end of the Section on ROGER BAYNE of *Woodale*, below.

² LEONARD BAINES, who died 1558, held lands at *Wistow*, near Selby, which were sold away from the family as lately as the early part of this century. His Will is lost we believe, but we have a copy of an Inventory of his effects, for the purposes of administration, the original of which is

Baines, Esq., F.R.G.S., of Bell Hall, it would seem probable that Leonard Bayne, of *Middillismore* or *Brymbem* (or both if the same man), and afterwards of *Beamsley*, was the LEONARD BAINES who died 1558, at *Wistow*, and was the ancestor of the family of BAINES, of *Wistow*, afterwards, and still, of *Bell Hall*, Naburn.

The *Valor Ecclesiasticus*, 1535 (Vol. V., page 277), however, shows another LEONARD, who must not be overlooked. The entry is:—"Cantaria Sci. Albini infra civitatem Karl'n'." "Hugo Barker, cantarista. Idem Hugo habet unu' ten' jacen' ibm. in tenuta LEONARDI BANES que valz per ann. ijs. ' 'Hugh Barker, mass-singer of the Chantry of St. Albin, within the City of Carlisle, has one tenement lying there in the tenure of LEONARD BANES which is worth, per annum, 2s.'

in the York District Probate Registry. He had 15 horses, the average value of which was about 20s. each; a considerable mob of cattle. I note "three cows with calf, 4*l*." for the three; his purse and girdle, 17*s*. 6*d*.; 40 hogs [year-old lambs], 3*l*. Draught oxen appear to have been worth 2*l*. each; one sword, one dagger, one buckler, 4*s*.; five silver spoons, 16*s*. 8*d*., and very many other goods, amounting in value to about 126*l*. All are greatly below the present prices.

William Baines, whether son, or what relation to the above Leonard we do not know.

George Baines.

Richard Baines (brothers).

Leonard Baines, in the year 1614, *m*. Katherine Collinson.

From all the above recited Rolls I gather that ROGER BAYNE of *Woodale* was the richest member of the family, being assessed far the highest in 1523-4, and 1525; that he died between 1525 and 1541, in which year ALEXANDER BAINS alone is mentioned under *Byland Erth*; that LEONARD went to *Beamsley*, between 1525 and 1541, where he is rated still higher than ROGER of *Woodale*, and after-

John Baines *m.* Margaret, daughter of John Hewley, of Wistow, and sister of Sir John Hewley; she died 1659.

John Baines, b. 1648, *m.* Dorothy Hewley (his cousin).

Hewley Baines, b. 1693, *m.* Lucy Masterman, of Wheel Hall, Riccall, near York. Both Hewley Baines and his wife died in the year 1760. He was the first of the name of Baines who lived at Bell Hall. There is a portrait of Lucy Masterman, nearly life size, three quarters length, by Sir Peter Lely, at Bell Hall, and also one of John Baines, the father of Hewley Baines, inscribed "Jos. Verells, f.[ecit] 1697." The above Hewley Baines was about 16 years of age, when Lady Hewley died (1710).

Bell Hall was built by Sir John Hewley, 1680, and little by little, and so to say, field by field he added to the estate. Having no children living at the death of Lady Hewley, Bell Hall was left to Hewley Baines, son of John Baines and Dorothy Hewley; the former being great nephew to Sir John Hewley.

Hewley Baines, b. 1722, *m.* Mary Ellis, of Cawood, died 1800. There are good portraits of both at Bell Hall, and also, amongst many others, two of Sir John Hewley.

Hewley John Baines, b. 1763, *m.* Mary Mortimer, 1786. He was in the 14th, the 71st, and the 90th regiments, and afterwards Colonel of the York Volunteers; died 1830. [For his *Seal* impaling Mortimer, *see* APPENDIX].

Hewley Mortimer Baines, b. 1788, *m.* 1820, Mary daughter of William

wards perhaps to *Wistow*; and that LAWRENCE BAYNE³ had also left the dale between 1525 and 1541. Also that the principal person of the name in *Byland Earth*, in 1541, was ALEXANDER BAYNS; that in 1543 the richest member of the family in *Fountains Earth* was a widow (perhaps of the John who died in 1540) BARBAREY BAYNE, and the next RICHARD BAYNE. In the *Pateley Bridge Registers*, I found "The DAUGHTER OF BARBAREE BAYNE was *Bur.* Sep. 19th, 1572."

On Aug. 25th, 1546, Sir John Yorke purchased the "Forest of Nidderdale" [? Middlesmoor], (*Grainge, Nidderdale*, 1863, 8°, p. 43), which he seems to have divided into *Steanbeck Up* and *Steanbeck Down*.

Harrison, M.D., F.R.S., of Ripon, who was a banker in partnership with Mr. Terry, at the Old Bank, Ripon; died 1874.

William Mortimer Baines, b. 1830, ed. at Rugby, *m.* 1855, Mary Ann Verdon Dixon. Mrs. Baines is descended in a fairly traceable line from Bertram de Verdon, of Alton Towers. Her mother was Fanny Verdon, of Dundalk, Ireland.

Hewley Mortimer Baines, b. 1865, educated at Repton School, and the Royal Engineering College at Cooper's Hill, from whence he obtained an appointment in the Public Works Department in India.

W. M. BAINES, Bell Hall, Nov. 19th, 1894.

3 LAWRENCE BAYNE.

In the *Yorkshire Arch. and Topog. Assoc.*, Vol. 9, 1885-6, p. 40, is an "Agreement between Thos. Lord D'arcy and the Friar Preachers, or Black Friars of Beverley." Endorsed, "Receyved by me ffreer Henry Aglyonby . . . of Thomas D'arcy, Knight, Lord D'arcy, by the hands

The next Roll $\frac{208}{237}$, 8 Elizabeth, 1566, shows no Bayns in *Stanebecke Upp*. The only names given are Roger Craven, *in bon*, xl. 8s. 4d. ; Leonard Horner, Rauff Horner,

of LAURANCE BAYNES, affore [in the presence of] Sir Robert Ardynghon, chaplayn, upon Michaelmas Day, 29 Sep., Henry VIII., sexto decima 1524], fyve pounds sterlyng, in a full cententacyon of this purchais," etc.

Extract from letter of Thomas Grice to Lord D'arcy, 15 Oct., 1536. Whilst writing, I had word of one of my servants that spoke with LAURENCE BAYNS for to have come to your Lordship, "but now I trust it shall not need." "Scribbled at Wakefield 15 Oct."

(*Calend. of State Papers* at Record Office, Vol. XI., Henry VIII., p. 283, No. 734).

(*Ib.*, p. 538), No. 1335. Letter from Lord D'arcy to LAURENCE BAYNES. Orders him to pay 49s. 4d. to Edm. Granger, late headman of his late hospital beside Whytkyrke, in full payment of his yearly stipend and right for surrendering his grant. Templehyrst 18 Dec., 28 Henry VIII. [1536.] Address endorsed "Receiver and baily at Roundhay Park."

In the *Thoresby Soc.* Publications, 1889, *Miscellanea*, p. 243, is this passage: "Thomas Lord D'arcy, of Temple Newsam, owner of Roundhay Park." "The Survey of Roundhay and Rothwell Hay, made the 8th day of Oct., 29 Henry VIII [1537]." "The new parke parcell of the said Roundhay, conteynyng by estymacon cc. acr. of grounde, letten by lease by the Lord D'arcy, 8 Feb., 27 Henry VIII. [1536], unto LAURRANS BAYNS, for the terme of xl. yeres, paying yerely to the Lord D'arcy, 20*l.*"

Again in *Calend. of State Papers* (Vol. XII., Pt 2, p. 61, No. 186). *Darcy Papers*, p. 75, No. 186 (66). Rental of Rondhey, 25 March, 27 Henry VIII. [1537.] The new park and other lands of LAURENCE BAYNS, John West, Robert Jackson, Wylson's widow. "The tithes let to BAYNS to pay the parson 20*s.* as I do pay yearly."

The *Report of Dep. Keeper of Pub. Records*, No. 38, p. 294, contains the following: York, 33 and 34 Eliz., 1591, c. 23 June. 1 D. 23 Sep., at Weton, Mich. Term., No. 6. John Moore, Pl., William Clarke, Deft. Messuage called 'Callcotts,' whether granted by the late Abbot of Cristal to Laurence Baynes, or held by him of the Lord D'arcey, whether such premises belong to the lordship of Temple Newsam.

In the *Visitation of Yorkshire*, 1563-4, By William Flower, Norroy



Roger Horner, sen., *in bon*, 5*l.* 4*s.* 2*d.* We are forced therefore to ask, if there was any Bayn in Steanbeck Up in 1566, why were they not taxed? In *Stanebecke Downe* however we find CHRISTOPHER BANE, *in bon*, 5*l.* 4*s.* 2*d.* In *fountaine Earth*, no Bayn, 1566, so that CHRISTOPHER BANE of *Stanebeck Down* becomes an important person.

(*Harleian Soc. Publications*, Vol. XVI., p. 287). I find: "Julyan, (daughter of John Skelton, of Osmundthorpe, son of William, a younger brother of the house of Armethwayte, in Cumberland), wife to LARANCE BAYNES, of *Calcote*" [par. Leeds].

In *Paver's Marriage Licenses* (*Yorkshire Arch. and Topog. Association*, Vol. 9, p. 56), I find: "1593. BAYNE, LAURENCE, to Ellen Rayner, of Leeds, at Leeds or Whitkirk," and in the *Leeds Parish Registers* (*Thoresby Society*, Vol. I., p. 309).: "*Burials*. Sep. 3, 1593. An INFANT of LAURENCE BAINE." Who this Laurence was I know not.

I presume all the above notices except the last to refer to one man, apparently *not* LAURENCE BAYNE, of *Middlesmoor*.

In the *Memorials of Ripon* (*Surtees Soc.*, Vol. 81, pp. 327-8) is the following entry: *Chamberlain's Accounts*, 1557-8. "Recept. de Margareta Markynfelde, et Thoma Markynfelde ermigero ijo die mensis maij pro firma Garbarum et fœni decimalium de *Pathlabrig* debita ad Festum Sancti M' cij. ultimo præteriti per manus LAURENCIUS [*sic*] BAYNE 3*l.*" 'Received of M. M. and T. M., Esquire, 2 May, for the tithes of corn and hay of Pateley Bridge, farmed by him, due at the Feast of S. Mark last past, by the hands of LAURENCE BAYNE, 3*l.*' It is probable that this was the LAURENCE BAYNE, of *Middlesmoor*, 1525.

Then in the *Valor Eccles.* (Vol. 2, p. 76), 1540, we find under Yatminster Parva. in Dorset, "et in feodo LAURENTII BAYNE receptoris per ann., 26*s.* 8*d.*" This LAURENCE certainly left descendants in Dorsetshire, possessed of property at *Yatminster Parva*, in 1663, as appears by the *Will* of JOHN BAYNE, of *Stockwood*, husbandman, dated 6 Aug., 10 Car. II., 1660, pr. 27 May, 1663. "I, JOHN BAYNE, of *Stockwood*, husbandman, . . . Whereas I am lawfully interested and possessed of and in one Tenement . . . in *Stockwood* aforesaid, by Lease granted by Richard Bishop of South Warbarrow, in the countie of Southampton

In the *Peculiar of Masham Register Book No. I.*, we find mention of a widow:—(p. 59) 18th March, 1594.

Esq., Lord of the Manor, 28 Sep., 14 Car. I. [1638], for the terme of 99 yeares, if the said JOHN BAYNE, LAURENCE BAYNE and Anne Bayne shall hope soe long to live . . . one moyetie thereof unto my loveinge kinsman LAURENCE BAYNE the younger, the only son of my brother LAURENCE BAYNE, of *Leigh* [Leigh is three miles from Yatminster], and the other moyetie unto my loveinge kinswoman MARGARETT, now the wife of John Hopkins, and daughter of my brother LAURENCE BAYNE to be equally divided . . . to the end of the terme. . . . And Whereas I am lawfully interested, etc., of and in one *customary Tenement* in Chetnoll, within the Manor of *Yetminster Parva*, accordinge to the custome of the sd. Mannor, whereof a part . . . is surrendered up unto LAWRENCE BAYNE my sonne, and the other part thereof I do expect [*sic*, but? except] to myself and wife, my Will and meaninge is that the sd. LAURENCE my sonne, shall holde and enjoye the same accordingly, and in case my wife Anne shall happen to outlive mee that she shall likewise enjoy the excepts. And I doe give unto my said wife ANNE BAYNE . . . Tenn shill. . . . to my sd. son LAURENCE BAYNE, five shill., and I do make . . . my sd. kinsman, LAURENCE BAYNE the younger, to be my sole Exccutor."

"(Signed), John Bayne, in presence of Richard Hebditch, the mke of Judith Hebditch, Laurence Payne, elder, Joseph Stevens."—(*Canterbury Calendars*. Juxon, 57).

We have seen above from the *Will* of WILLIAM BAYNE, Mercer, of London, dated 25 May, 1538 (p. 154), from which I have constructed a brief pedigree (p. 159), that he had a nephew named LAURANNE BAYNE, to whose name in the pedigree I have added "(?) of Middlesmoor." Now, as the Laurence Bayne of *Yatminster Parva*, evidently remained there, he cannot have been the LAURENCE BAYNE of *Middlesmoor*, if, as is probable, LAURENCE BAYNE of *Middlesmoor*, was the same as the LAURENCE BAYNE of the Ripon *Chamberlain's Accounts*, 1558, mentioned above in this note.

I give below, under 'Ellingstring,' a *Fine*, Easter Term, 3 Eliz., 1561, between Richard Gasconye, Esq., Plaintiff, and CHRISTOPHER BAYNE and LAURENCE BAYNE, Deforciant, concerning a Messuage and Lands in *Howdenfeld*, in the parish of *Kirk Levinton*. This LAURENCE may very probably have been the LAURENCE of *Middlesmoor* and the Ripon *Chamberlain's Accounts*.

In Ecclesiâ paroch[iali] de Kyrkebymals. *Kyrkeby*. fiat requisicio pro viro. Officium dni. contra Christoferum Hodgeson et MARGARET BAINÉ de *Mydlesmore*, vid[uam], etc. This widow cannot have been Margaret Vavasour, by the date. The requisition seems to have been whether Christopher Hodgeson was her husband or not. In further explanation of this passage see below, under the Woodale II., §. *De Regimine Ecclesiastico*.

There are two *Subsidy Rolls* for 39 Eliz., 1597, $\frac{208}{288}$ and $\frac{208}{289}$. Both give under 'Staynebeck Upp' ten names, which I will set forth in full:—

Subsidy Roll $\frac{208}{288}$, Staynebeck Upp—

ROGERUS BAYNE <i>in bon</i>	...	5 <i>l.</i>	13 <i>s.</i>	4 <i>d.</i>
Richard Horner „	...	4	10	8
Johannes Craven „	...	4	10	8
Christofer Horner „	...	3	8	0
Antonius Watson „	...	3	8	0
<i>Leonardus Craven</i> ¹ „	...	3	8	0
Johannes Horner <i>in bonis</i>	...	3	8	0
Rogerus Horner „	...	3	8	0
RADULPHUS BAYNE	...	3	8	0
Robertus Wayde ² „	...	3	8	0

Staynebecke Downe, no Bayn:—

The names are Johannes Yorke, armig. *in terris*, Johannes Toppam, Anthonius Jackson, Umphrey frere, Johannes Warde, Xrofer Duffeilde, Johannes Jackson, Roger Grainge, Johannes Jackson, Junr., Jacobus Daye, Thomas Kydd, all *in bonis*.

¹ "Craven (Leonard) of Middlesmore to ELIZABETH BAYNE of *Middlesmore*, 1596." Paver's *Marriage Licenses*, Yorkshire Arch. and Topog. Soc., Vol. IX., 1885-6, p. 368. The Will of Leonard Craven of Hatten Car is dated 1632, *Richmond Calendar*].

² The Will of Robert Waide of *Riggs* in Netherdale. Yeoman, is dated 1616, *Richmond Calendar*.

Subsidy Roll $\frac{208}{289}$, 1597, Staynebeck Upp:—

ROGER BAYNE <i>in bonis</i>	...	5 <i>l.</i>	13 <i>s.</i>	4 <i>d.</i>
Richard Horner „	...	4	10	8
John Craven „	...	4 <i>l.</i>	10 <i>s.</i>	8 <i>d.</i>
Xrofer Horner „	...	3	8	0
Anthony Watson „	...	3	8	0
<i>Leonarde Craven</i> „	...	3	8	0
John Horner „	...	3	8	0
Roger Horner „	...	3	8	0
RALPHE BAYNE „	...	3	8	0
<i>Robert Wayde</i> „	...	3	8	0

Staynebeck Downe:—

John Yorke, Ar., <i>in terris</i>				
Umphrey ffere <i>in bonis</i>				
John Warde „				
John Toppam „				
John Jackson, Junr. „				
Xrofer Duffeld „				
Roger Grange „				
MATHEW BAYNE „	...	3	8	0
Peter Craven „				
Anthony Jackson „				
John Jackson „				

Subsidy Roll $\frac{208}{292}$, 40 Elizabeth, 1598, Staynebeck Upp:—

CHRISTOFER BAYNE <i>in bonis</i>	...	5 <i>l.</i>	13 <i>s.</i>	4 <i>d.</i>
Johannes Craven „	...	4	10	8
<i>Robertus Wayde</i> „	...	3	8	0
Rogerus Horner „	...	3	8	0
Ricardus Horner „	...	3	8	0
Antonius Watson „	...	3	8	0
Xroferus Horner „	...	3	8	0
<i>Leonardus Craven</i> „	...	3	8	0
Johannes Horner „	...	3	8	0
Henricus Loftus „	...	3	8	0

Staynebecke Downe, eleven names among which is :—

WALTERUS BAYNE *in bonis* ... 3*l.* 8*s.* 0*d.*

The names are Johannes Yorke, ar., Antonius Jackson, Walterus Bayne, Petrus Craven, Rogerus Grange, Xroferus Duffeilde, Johannes Jackson, Johannes Warde, Johannes Toppam, Antonius Jackson, Umfray ffryare.

In the *List of Roman Catholics in Yorkshire*, 1604, Rawlinson MSS., Bodl. B. 452 (Published by Ed. Peacock, Lond., 1872, 4°), there is a note: "*Staynebeck Up and Staynebeck*, did not certify."

Subsidy Roll, $\frac{209}{318}$, 7 James I., 1610, shows in

Stainebeck Down :—

Sir John Yorke, Kt. ; Xrofer Hebden.

RICHARD BAYNE *in bonis* ... 3*l.* 3*s.*

William Grange ; Xrofer Duffeild

James ffreer ; Thomas Topham ;

Anthony Jackson ; Humphrey ffreer

CHRISTOPHER BAYNE *in bonis* ... 3*l.* 3*s.*

Stainebeck Up :—

ROGER BAYNE *in bonis* ... 5*l.* 5*s.*

John Craven „ ... 3 3

WALTER BAYNE „ ... 3 3

Leonard Craven „ ... 3 3

Antonie Watson „ ... 3 3

Xrofer Horner „ ... 3 3

Richard Horner „ ... 3 3

This is the last of the *Subsidy Rolls* within the period of the St. George Pedigree.

Towards the end of the 16th Century, we find the loose ends of several threads, which can be traced downwards, but which we cannot trace farther back with our present



evidence. In other words several families of the name of BAYNE appear within the *Chapelry of Middlesmoor*, and all I can do with them is to trace their histories downwards, as far as my evidence allows, separately.

Owing to the accident of the superior wealth, education, and intelligence of ROGER BAYNE, of *Woodale*, his pedigree alone has been preserved, but that Pedigree is very defective.

Now, I will relate what I know of all these several families within the Middlesmoor Chapelry, in order of the dates of the earliest records of each, commencing with the family of CHRISTOPHER BAYNE and MARGARET VAVASOUR.

CHAPTER XI.

BAYNE OF WOODALE (I).

§ I. GENERAL PREMISES RESPECTING WOODALE.

At the time of the *Hundred Rolls*, 1276, *Woodale* was a Manor held by John le Vavasur, on a title which was challenged by the King. We have seen above (p. 42) that the Forest of Middlesmoor, in which *Woodale* lies, had been granted to Byland Abbey, by William de Mowbray, in the time of King John (1199-1216). That is to say, the *Seigniory* or Lordship was granted, the Ancient *Customary Titles* or *Tenant Right*, that is the *Right to hold* by which the Tenants held their estates, neither at the Will of the lord, nor by copy of Court Roll, passing unchanged with the Seigniory from one lord to the other. Though this *Tenant Right* constituted a prescriptive and hereditary title derived from the Village Community, low Lat. *Villata*, such that the Tenant, who held his Tenant right estate of

the lord of the Manor, could not be dispossessed as long as he performed (in the North of England) Border Services against Scotland (or at a later date paid the customary rent and performed the services), in exchange for which the land was held, it was, at least as early as the reign of King John, the subject of attack, of which the present is a limited instance. In the *Hundred Rolls* (Vol. I., p. 116) is the following entry :—

“Dant quod Rogerus le Straunge apud *Galleghaye* [Galphay] et *Azerley*, Henry le Percy apud Spotford [Spofforth], Abbas de Fontibus in Thorpe [Grewelthorpe], l. annis, Johannes le Vavasur apud *Wodehale* xxx. annis elapsis habuerunt Warrennam nesciunt quo Warranto.”

‘They say that Roger le Straunge, at Galphay and Azerley, etc. . . . and John le Vavasur at *Woodale* for 30 years past have had warren they know not by what warrant.’

Here the Tenant Right as a whole is not attacked, only the right to Warren, which was a Franchise derived from prescription equally as from grant. When, as in this case, the right was prescriptive, and part of the *Tenant Right*, it formed the weakest part of that right, and was the first part to be destroyed. The Law officers ignored it, the words “nesciunt quo warranto” being written of the Jurors, and not of the Tenants.

These Tenant right estates were neither held on Villein

or copyhold tenures, nor as freeholds. They descended from ancestor to heir, and were not devisable by Will before 1 Vic. c. 26, s. 3, but were alienable by Deed and admittance thereon. They now fall under the same general rules as Copyhold estates.

Long before the Dissolution of the Monasteries, and long before it became part of our National Policy to destroy these Tenant Rights, they had been made the subject of attack by the Seignoral Lords, who had no actual ownership in the soil. They first weakened the Tenant Right by inducing certain of the tenants to pay rents in lieu of services *sine termino*. This was followed later by the *Lease* (*Nom. Fr.*, Lees, Leez). The acceptance of a Lease involved on the part of the Lessee a complete surrender of the Prescriptive Right and Title to perpetual enjoyment which his *Tenant Right* had given him. The conversion of a Prescriptive Title into a Title by Grant contained in a Charter, paved the way for the Lease *pro termino*. The Lease originated on Monastic Lands, and was first *Perpetual* and *Hereditary*. Laveleye refers to terriers of Monasteries and Cathedrals in France in which the formula "*damus in perpetuam emphyteusim*," 'we give for perpetual enjoyment,' regularly occurs (*Primitive Property*, p. 278). This was followed by the Lease for a term of years. When from any cause the Perpetual Lease

lapsed and reverted to the lord, his opportunity came for granting a new Lease, untrammelled by Tenant right, for a term of years. The acceptance of a Lease by one or more Tenants of a Manor was claimed by the lord to destroy the ancient Tenant Right of all the rest. This was long resisted by those who held under the ancient and hereditary Tenant Right, especially in remote places. We have direct evidence of *Tenant Right* in Nidderdale three years before the Dissolution, but after the Valuation of Fountains and Byland Abbeys, in the following remarkable passage, of which I give three versions. (A) From the corrupt text in Speed (*Chronicle*. 2nd Ed., 1632, p. 1037 ; 1st Ed., 1611), which was not taken from either B or C. (B) From a MS. draft on paper among the State Papers at the Record Office, XI, 1246 (2). This taken with XI. 1246 (3), makes up (C) XI. 1246 (1), another paper draft, which, however, is not copied from XI. 1246 (2) and (3). The document from which I take this passage is entitled : 'The instructions for Sir Thomas Hilton [Hylton] and other companions,' and contains the Articles and Demands of those who took part in the *Pilgrimage of Grace*, drawn up before Doncaster on or before Oct. 26, 1536. XI. 1246 (1), has been printed by Froude (*History of England*, Vol. II., p. 568, *note*).

(A).

"Also, [we beseke humble our most drade Soueraign Lord] that the Landys in Westmorland, Comberland, Kendale, Dentsdale, Furnes, and the Abbeis Lands in Yorke, *Worsaidyshire, Kerbyshire, Neuerdale* [*Neverdale, Netherdale*] mayne be [may not be] *Tenant Right*, and the lord to have at every change two yeres rent, in the name of a *agar summe*, and no more, according to a grant now made by the Lords to the Commens under their seales; and this to be done by Act of Parlement." (Speed, *Chron.*, 2nd Ed., 1632, p. 1037).

The '*Answere to the demands off the Rebellys in Yorkshyre*,' written in Henry VIII.'s own hand, has the marginal date in Speed, '28 Henry VIII., December.' The General Pardon is dated '9 Dec., 28 Hen. VIII., 1536.'

(B).

XI, 1246 (2), State Papers, Record Office. *Item* Y^t the lands in Westm'land, Cumberland, Kendall, Dent, Setber and furnes, and the Abbaies landes in Mashamshire, Kyrbieshire, Netherdalle, may be by *tenaunt right*. And the lord to have at every chaunge ij. yeres rent in the name of *g^t* and no more [hiatus] now made by the lordes to the commons ther under ther seale, and this to be doyn by Acte of parlement.

(C).

XI, 1246 (1), State Papers, Record Office. *Item* Y^t the landes in West'land, C-berland, Kendall, Dent, Sedber, fornes, and the abbayes landes in Massamshire, Kyrkbyshire, Netherdale, may be by *rent right*, and the lord to have at every change ij. yeers rent for gressom and no moor according to the grante now made by the lordes to the commons theyr under theyr seall, and this to be done by acte of parliament.

[The Reader should consult the *Notes on the Lochmaben Harper*, in Scott's *Border Minstrelsy*, for some interesting *Tenant Right* holdings, though Scott wrote in the dark as to their true nature. The right was, in essence, a right of property, but in form only a right of Lease. The lands were burdened only with certain quit-rents, that is 'white rents' because paid in white money, or silver, and *grassums*, or fines upon the entry of a new Tenant.]

Great efforts had been made after the Dissolution, by men of the Gresham stamp, to force the twenty-one years' lease on the country. Sir Richard Gresham even went so



far as to insert a clause in his Will, dated Feb. 20, 1549, restricting his sons to twenty-one years for any leases they might grant.

The state of the struggle is well illustrated in the reign of Elizabeth, by the *Durham Halmote Rolls*, Vol. I., Appendix, (*Surtees Society*, Vol. 82): "A Booke of Surveighe and an Abstract out of the Rentale of all the landes, tenementes, and Revenews that Belonge to the Cathedrall Church' of Durism,' with the perfect and particuler State thereof, mayd A^o. Reginae Elizabethæ vicissimo secundo, 1580."

The Dean and Chapter in the endeavour to crush Tenant Right by the strong hand had obtained the following Order in Council :—

The Order sett downe by the Rt. Honorable the Lordes of the Queenes Majesties Privie Counsell, and by the Lord President and others of Her Majesties Counsell in the North Parts, between the Deane and Chapiter of Durham and their Tenaunts, the 17 day of August, 19 Eliz., A.D., 1577. Whereas heretofore great contentions have arisen betwene the Deane and Chapiter of Duresme on thone partie and sundry of their tenants in the countie palatyne of Duresme on the other partie, *clameinge to hold their fermeholdes by tenant right* . . . for the endinge of which troubles . . . and for the continuance and maintainance of the service of the inhabitants of that countrie due to the Queenes Majestie,

It is nowe Ordered and Decreed by the Rt. Honble. Privy Council . . .
 1. Whereas, in their former suites and troubles the said tenantes claimed to hold their fermeholdes by tenant right, and that the Dean and Chapiter alleged them to be onelie their tennauntes at Will, because some of them had taken no leases by a long tyme, and yet it appeareth by an auncient booke and register of the leases . . . that the lands in contention . . . had manie tymes bene letten for yeres by lease :—

Therefore it is ordered . . . that all the same tenauntes at Will and tennants clameinge by tenaunt right shall relinquish and give over for



them theire heires and assignes for ever, all theire titles, rightes, and clames of tennant right in the premisses and everie part thereof.

2. . . . That everie of the sd tenaunts shall from henceforthe have and enjoye theire severall fermeholdes with th' appurtenances according to the intent of these sd articles and draught of ane indentures or lease hereafter sett down and expressed and accordinglie shall take leases . . . and shall paie theire rents at the days and tymes accustomed, and . . . paie doe and make all other rents, services, and reparations and customs as . . . heretofore.

4. . . . if any of the sd tenaunts be married, and his wife living after his deathe that then she shall have and enjoye the fermeholde her husband died possessed of during her wydoweheed without paieing anye fyne . . . and if she marie, then her husband to paie two yeres fyne, etc. (*Surtees Society*, Vol. 82, Preface).

Appended to this Order is a Specimen Lease for twenty-one years (p. xl., *Pref.*), and here are examples of the friction caused by the Order.

(P. 237.) *Mid Merington*. WILLM BAYNES pro uno tenemento ibidem per annum 48s. 4d. He married a widow many yeres past, and nether will pay for her *widow right*, nether for *tenant right* secundum ordinem [according to the Order] for himselfe. There is a lease in lottery per Bennet to Phillop Perkinson yit never possessed, which is dat. A^o. 10^o Reginæ, Febr. 3rd [1569], after the death of WILLM BANES and mariag of his wife (in margine) Val. 30li.

(P. 250.) The names of the Tenantes refusinge to take leases *secundum ordinem aut aliter* [according to the Order or otherwise], and *doe clame still Tenant Right*. Robert Pearson, William Baynes, William Pereson, senior, William Pereson, junior, de Midmerrington.

At the beginning of the 17th Century, Sir John Yorke sought to end the struggle and extinguish *Tenant Right* in Nidderdale, by inducing the owners of most, if not all, of the *Tenant Right estates* in Nidderdale to accept a secure Title by Leases of their estates for 3000 years at an enhanced Rent. In one or two cases there had been short term

leases granted in the reign of Elizabeth, but in others, the 3000 years Leases were a composition for the Ancient Prescriptive Tenant Rights, under which the Tenants could not be dispossessed nor the rent increased. In some cases, as at *Middlesmoor and Riggs*, there appears a multiple ownership derived from the *Village Community* (*Low Lat. Villata*) of *Middlesmoor*, every member of which had originally an interest extending over the whole area. This explains the joint covenant of Sir John Yorke, as Tenant in Tail, and the next heir under the entail of the Yorke estates, in the 3000 years' Lease of Lands in *Middlesmoor and Riggs* to MILES BAYNE, to levy a fine and suffer a recovery in respect of the existing rights of Henrie Smithe, William Inman, Thomas Spence, Anthony Croft; and in the two 3000 years' Leases of *Studfold Heaning and Middlesmoor*, respectively to Richard Kidd and PETER BAYNE, by the same lord and next heir in respect of RICHARD BAYNE, HUMFREY BAYNE, Thomas Spence, and Francis Grange. As Tenant in tail, Sir John Yorke could not have granted a long lease without barring the entail by this complicated process—which modern lawyers explain as a “Legal Fiction,” or a “fictitious suit.”

Tenant Right is expressly mentioned by name in some of the *Nidderdale Deeds*, but I may have generally omitted to copy the clause in which it is contained, viz: That commencing, “Together with all and singular houses, edifices,” etc. . . . We shall see under ‘Middlesmoor

and Riggs,' that it is named in an Indenture, made the 30th Sept., 1693, between Christopher Craven of *Riggs*, in Netherdale . . . yeoman, and Jane his wife, and Henry Craven, sonn and heir apparent of him the said Christopher of thone part, and James Waller, of the City of Yorke, Gentl., of thother part, in the recited clause: "Together with, etc. . . . And all the residue and remaining parts of the said severall tearmes of yeares in the ^{sd} severall Indentures mentioned and expressed therein yet to come and unexpired, and all the estate right title interest term of yeares *tenant right* claime and demand whatsoever of them the ^{sd} Christopher Craven and Henry Squire," etc., this clause being recited from an Indenture dated 4 Oct., 1689 (for which see under 'MIDDLES Moor and RIGGS, below').

Again, in the Will of WILLIAM BAINE of *Hearfield* (for which see under HEARFIELD, below) dated 28 Dec., 1692, occurs this clause: "That my sonne ROBERT BAINE shall have the goodwill and *tenant right* of the said messuage and ground called *Westwood*, with the consent of Thomas Yorke, Esq.;" and in the Will of John Craven of *Studfold*, dated 20 Sep., 1686, is left to his elder son John, "that part of certaine grounds at Upper Blayshay, I bought of Will^m. Payley the which is now in his possession and my title and *Tenant right* after the decease of the ^{sd} W^m. Payley of all the grounds which I bought of the ^{sd} Will^m. Payley." (Probate copy of Will among STUDFOLD Deeds, belonging to C. E. Carter, Esq., of Chester.)



Whether Woodale came undivided to the Baynes by the Vavasour marriage, I know not ; but certain it is that the Baynes had held it throughout the 16th Century, and that in 1609, three years before the *St. George* Visitation *Pedigree*, 1612, *Woodale* was held, and afterwards divided into two unequal parts by ROGER BAYNE, who furnished the Pedigree ; the smaller being held by CHRISTOPHER BAYNE, who does not appear in the *St. George* Pedigree.

Except the cattlegates in *Carleside* and *Turner Carr*, which were added by CHRISTOPHER BAYNE, 21 April, 1625 (*see* Chap. XIII., Pt. I., under WOODALE II.), the two sides of the following Table show ROGER BAYNE'S Estate at *Woodale* in 1609 :

ROGER BAYNE'S Estate at <i>Woodale</i> , 1621.	CHRISTOPHER BAYNE'S Estate at <i>Woodale</i> , 1629.
The Manor House. Woodale Pasture. Willow Garth. Ellers. Leggerings. East Ing Holme. Pettie Holme. East Ing. Lowther in thwaite. Higher thorne thwaite. Borron Ings. Calfe hall head. Kebb Close. the ffrith.	West Close. Midgehoole. Little Boone. Cow Close Head. 9 cattle gates in Winterside. 5 " " Carleside. 3 " " Turner Carr. Midward Close. Great Boone [$\frac{3}{4}$ of]. Close at head of the Great Boone. 5 cattle gates in Winterside. 2 Cattle gates in Carleside. 2 " " Turner Carr. Intaike.

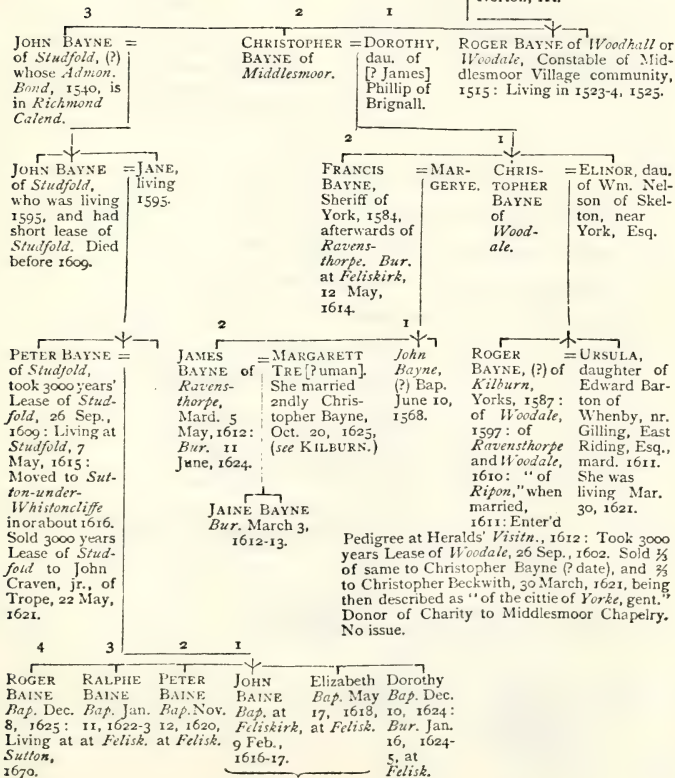


BAYNE OF MIDDLES Moor, WOODALE, RAVENSTHORPE,
STUDFOLD, AND SUTTON UNDER WHITSTONCLIFFE.

(Illustrating Chapter XI.)

To face p. 262, Lucas's BAYNE OF NIDDERDALE.

CHRISTOPHER BAYNE = MARGARET, youngest dau.
of *Middlesmore*, of John Vavasour of Weston
and Newton, Esq., and
Cecilye, dau. of Sir John
Norton, Kt.



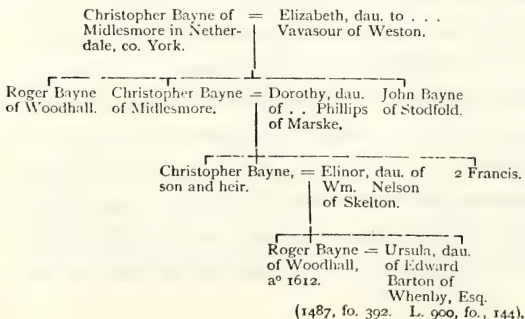
One of these two was
Bur. Dec. 24, 1619.

ROGER BAYNE'S Estate at <i>Woodale</i> , 1621.	CHRISTOPHER BAYNE'S Estate at <i>Woodale</i> , 1629.
<p>Wat, or Watte Natte Close. High Ing heads. High Ing. West holme. Cow Close. $\frac{1}{3}$ of the Great Boone. 2 parts of the Soil and Eatage of Winterside. (From the <i>Deed of Sale</i>, 30 March, 1621.)</p>	<p>(From his <i>Will</i>, Ap. 17th, 1629, for which see under <i>WOODALE II.</i>, below).</p> <hr/> <p>[N.B.] 14 cattle gates in Winterside. 7 " Carleside. 5 " Turner carr.</p>

§ II. THE VISITATION PEDIGREE, 1612.

IN 1612, ROGER BAYNE of *Woodale*, gave to Richard St. George, Norroy King of Arms, a pedigree reaching back to the third generation above him, which pedigree I here reproduce with all its faults and defects. (From the *Visitation of Yorkshire*, 1612. Ed. by Joseph Foster. Privately printed, 1875, p. 491.)

BAYNE OF MIDLESMORE.



The blanks and errors in this pedigree prove that it was not founded on any documentary evidence, but was put together from the information of people, whose memory, or other record, failed them at the fourth generation. Therefore, there is no evidence to show whose son CHRISTOPHER BAYNE was, or whether he was the son of any one of those who signed the Middlesmoor Chapel Deed in 1484. The information of memory had forgotten the real christian name of CHRISTOPHER'S wife, and the christian name of her father.

§ III. THE MAIN LINE OF CHRISTOPHER BAYNE OF *Midlesmore*, AND MARGARET VAVASOUR, HIS WIFE.

THE Vavasour *Pedigree* (Hopkinson *MS. Harl.*, 4630, 644), shows that MARGARET, youngest daughter of John Vavasour of Newton and Weston, Esq. (son and heire of John, who made his will in the yeare 1482, and Elizabeth, daughter of Henry Thwaites, Esq. [of Denton Hall, near Weston]), and Cecilye, daughter of Sir John Norton, Knt., married Mr. CHRISTOPHER BAYNE of Netherdale.

Now, we never hear any more of this Christopher, unless he be the 'Cristoferus Bayn, foreman of Jury, 15 Oct., 1499' (for which see p. 193 above, but, more probably that Christopher was Christopher Bayn of Brighthouse) or, unless his be the name torn off *Subsidy Roll*, $\frac{20}{100}$, 1515; but his name does not appear in any later Roll. *Subsidy*



Roll $\frac{206}{100}$ (for which see p. 213 above), shows that his eldest son, ROGER BAYN, was Constable of *Middillismore* in 1515; in 1523-4, ROGER BAYN was assessed in goods 3*l.* 18*s.* 0*d.* under 'Middillismore' (see p. 214); in 1525, the same, after which his name disappears. We have no evidence as to whether he left any issue.

Now, it is to be noted that the three Rolls of 1515, 1523-4, and 1525, which mention ROGER BAYNE, make no mention of his brothers, CHRISTOPHER of *Midlesmore*, and JOHN BAYNE of *Studfold* (which is the name of a farm in Stean, Nidderdale), to which we shall return.

§ IV. SECOND LINE OF CHRISTOPHER BAYNE of *Midlesmore*, AND MARGARET VAVASOUR, HIS WIFE.

CHRISTOPHER BAYNE of *Midlesmore*, second son of the above, who married Dorothy Phillips, or Phillip, does not seem to have lived at *Woodale*, as ROGER BAYNE, in his Petition in Chancery, 1610, shortly to be given, says that he "and his father before him, and his ancestors, have tyme out of mynde of man been tenaunts," etc., and again, "ROGER BAINE, or CHRISTOPHER BAINE his father, or anie his ancestors," from which it seems that *Woodale* passed direct from ROGER BAYNE, the Constable of 1515, to his nephew, CHRISTOPHER BAYNE, the father of Roger, the Petitioner. There is a difficulty as to the Dorothy

Phillips, who married CHRISTOPHER BAYNE of *Midlesmore*, which will be seen from the following account of the Phillip or Phillips family.

The Phillip *Pedigree* was entered by James Phillip of Brignall, at the *Visitation* of William Flower, Norroy, 1575, and is also given in Whitaker *Richmondshire*, I., 196; and in a Paper on 'Marske in Swaledale, by Canon Raine, in the *Journal of the Yorkshire Arch. and Topog. Assoc.*, Vol. 6, 1881, p. 236, 'Pedigree of Phillip of Brignall,' from the *Visitation* of Heralds' College, 1575. James Phillip of Brignall, whose Will was dated Feb. 7, 1582-3, when he was a very old man, had nine children, 1, John, 2, Arthur, 4, Christopher, 5, Thomas, 7, *Dorothy*, whom her father mentions in his Will, and desires her brother John to keep with meat, clothing, etc., for seventy years, "as he would his own daughter." Arthur married before 1564, Joan, daughter and heiress of Wm. Conyers of Marske. They had a son, Francis Phillip, whose marriage covenant was sealed Dec. 8, 1582 (25 Eliz.), and on the 12th, with his concurrence, Arthur conveyed Marske to, among others . . . his brothers, John and Christopher Phillip of Brignall. From the number of names, I gather that it was a Trust Deed, but I have not seen it. The fact of the Phillip family being at Marske in 1612, would in any case account for Dorothy being so described. If, as represented in the St. George Pedigree, she were Roger's grandmother, she would never have been Dorothy Phillip of Marske at all, but of Brignall, for Roger was married in 1611, only 29 years after her father made his Will. Besides the Will there is another valuable proof of the Phillip pedigree, which I will now give.

In Whitaker's *Richmondshire*, I., 196, are given woodcuts of two plates of lead, which were found some years ago on Gatherley moor, buried or concealed. They both have cabalistic figures, in the style of those who employed the black art (these figures being traditional imitations of or degenerate forms of some Runic alphabet), and each has a separate inscription.

(1) "I do make this that James Phillip, John Phillip, his son, Christopher Phillip and Thos. Phillip, his sons, shall flee Richmondshire, and nothing prosper with any of them in Richmondshire." (2) "I do make this that his father, James Phillip, John Phillip, Arthur Phillip, and all the issue of them, shall come presently to utter beggary, and nothing joy or prosper with them in Richmondshire." Signed, "J. Phillip."

All the Phillips cursed, and Francis died childless. This curse is very

valuable independent testimony in proof, if proof were needed in support of James's Will, of the correctness of the Phillip Pedigree. Wherefore, if we accept the evidence of that Pedigree, Dorothy was at home with her father in 1582, and from the terms of the Trust, with which he charges John, it is evident that she must have been dependent on him at that time. If, as represented in the St. George Pedigree, she was Roger's grandmother, she was either a widow or separated from her husband in 1582.

CHRISTOPHER BAYNE and DOROTHY Phillip had two sons recorded in the St. George Pedigree, CHRISTOPHER and FRANCIS. The elder of these, CHRISTOPHER BAYNE, held the estate at *Woodale*, as we know from his son, Roger Bayne's *Petition in Chancery*, but we do not know when he died. It is curious that the name of Christopher Bayne never appears in the *Subsidy Rolls* of the 16th Century until the year 1598, when a CHRISTOPHER BAYNE appears in 'Staynebeck Upp,' assessed at 5*l.* 13*s.* 4*d.* By comparing this Roll with the two for the year 1597, it will be seen that the name CHRISTOPHER BAYNE replaces that of ROGER BAYNE (*see* above, pp. 223-4), both being assessed the same, and higher than anyone else in Staynebeck Upp. I should not have doubted that this CHRISTOPHER was the father of the Roger Bayne of 1597, and the husband of Ursula Barton, if it had not been for another Christopher Bayne with whom Roger Bayne divided the estate of *Woodale*.

CHRISTOPHER BAYNE, eldest son of Christopher Bayne and Dorothy Phillip, married ELINOR, daughter of William

Nelson of *Skelton*, near York. There is more than one Skelton in Yorkshire, but we know this Skelton to be that near York, because in *Subsidy Roll* $\frac{21}{24}^3$, 8 Elizabeth, 1566, we find under 'Bulmer Wapentake,' 'Skelton, Anne Nelson, vid. *in terris*, 4l. 5s. 4d.,' from which it also appears that the Nelsons' were landowners. There is no record of the death of Christopher, or Elinor, his wife.

The only issue of this marriage recorded in the St. George *Pedigree* is ROGER BAYNE of *Woodale*, the author of the *Pedigree*. He seems to have lived very little at Woodale himself. I think there can be very little doubt that he is the 'RO: BANE *in bonis* 3l. 8s.,' whom we find under '*Kilburne cum Parkes*' in *Subsidy Roll* $\frac{21}{24}^3$, 29 Elizabeth, 1587. His mother belonged to that district, and so also did his wife. Ten years later we do find his name, as just stated, in *Staynebeck Upp*, in the two Rolls 1597, assessed higher than anyone else. The next we hear of him is that on 26 Sep., 7 James, 1609, he took a lease of *Woodale*, from Sir John Yorke, for 3000 years, which will be found below, recited in the Deed of Sale of Woodale to Christopher Beckwith, 30 March, 20 James, 1621. [This should be 1622, or the year of the King 19]. On the same day, 26 Sep., 1609, we have his autograph subscription as a witness to the 3000 years Lease of *Studfold* to PETER BAYNE, given below, under '*Studfold*.' It

is written in a very fine hand, and is given as *Autograph* No. 1.

Next, we have a Document of the year 1610, the last of the series relating to the period covered by the St. George *Pedigree*, and the Chapelry of Middlesmoor. It is a *Petition in Chancery*, in the reign of James I. (B. 14, No. 21, Record Office), 'Bayne contra Servante.'

"In the most humble wise complayning hereby unto your good Lordshipp your dalie Orator ROGER BAYNE of *Ravensthorpe*, . . . co. Yorke, gentleman [sheweth], That Whereas your Lordship's Orator and his father before him and his ancestors have tyme out of mynde of mann beene tenauntes and farmors to one Sr. John Yorke, Knyght, and his auncestors of *Gowlethwate* in Netherdale . . . of and in one messuage or farme called and known by the name of *Woodale* in Netherdale aforesaid, and of divers and sundry closes, groundes, pastures, meadows, commons, and comon of pasture to the s^d messuage and farme of *Woodale* belonging and appertaininge. And your Lordshipp's Orator and his Auncestors havinge bene as afores^d tenauntes to the s^d Sr. John Yorke and his Auncestors the tyme afores^d, your Orator and his Auncestors before him and his and their assigns occupiers and farmers of the s^d *Woodale* farme in winter tyme have ever had continewall and free egresse and regresse wth his and their Sheepe and cattel to grase and depasture in one pasture called *Woodale pasture* neare adjoininge to the s^d Farme or messuage of *Woodale*. And your s^d Orator and his s^d Auncestors and their Servantes and farmors and every of them beinge farmors and occupiers of the s^d farme have alwaies used and beene accustomed the tyme afores^d yearlie to cutt fell and carry away at his and their pleasure without anie contradiccon of anie person or persons whatsoever in winter tyme all or anie the boughes of all or anie the hollins or hollin trees in the afores^d pasture called *Woodale pasture* for the tyme beinge as he your Orator or anie his auncestors pleased for his and their sheepe or other cattel to feed and bruise upon, and after his and their sheepe and cattel had so fed and bruised thereupon the remainder of the s^d boughs have likewise used and accustomed to take and carrye awaye for the securinge and repayinge of his and their hedges in and about their ground, or to be converted otherwise as he or they pleased. And your Orator further sheweth unto

your Lordshipp that aboute a yeare and a halfe nowe last past or thereabout the s^d Sr. John Yorke falling into speach and communication with your Orator as also with divers other his tenauntes there neighbouring upon your s^d Orator, for the passinge, grauntinge and conveyinge unto them some longe estate or tearme in their severall tenementes, he the s^d Sr. John Yorke aud your s^d Orator did fall to an agreement *that he the s^d Sr. John Yorke should demise and graunte by lease to your s^d Orator* his executors admors. and assignes the s^d *Farmeholde* called *Woodale farme*, and all and singular the foresaid premisses and profittes then or formerly used or occupied therewith, and every parte and parcell thereof *for the tearme of 3000 yeares*, upon which speach and communication soe had as afores^d by the s^d Sr. John Yorke to & with his s^d tenauntes, he the s^d Sr. John Yorke did in the end conclude perfecte and make unto all or some parte of his s^d tenauntes *leases of their s^d severall tenements for the foresaid tearme of 3000 yeares*, emongst which he the foresaid Sr. John Yorke did¹ for good and valuable consideracion *demise and graunte unto your s^d Orator*, his exors. and assignes *for the tearme of 3000 yeares afores^d the foresaid messuage and premisses*, and all profitts and commodities *then or before by me used*, occupied, or enjoyed with the s^d farmeholde *by force of anie former graunte usaige or custome* howsoever, with all and singular their appurtenaunces whatsoever, To have and to hold to him your s^d Orator his executors & assignes the s^d farmeholde and premisses and everie parte and parcell thereof to the same or anie parte thereof belonginge, or therewith usually used occupied and lett, in as large and ample a manner as the s^d ROGER BAINE or CHRISTOPHER BAINE, *his father*, or anie his auncestors have had occupied used or enjoyed the same Yealdinge payinge and doinge as by his s^d Lease he is lymitted and appoynted. And the s^d Sr. John Yorke havinge also demised and graunted to one ROBERT SERVANTE and William Massinger, being next neighbours to your Orator, and ther farmes adjoining upon your s^d Orator's for the like tearme of 3000 yeares their s^d severall tenementes and farmes at *Newhouses*² and *Woodale* afores^d as formerly they had and enjoyed the same, who also *gott the same lease to them sealed before your Orator's lease*, by colour whereof they the s^d Robert Servante and William Messinger pretendinge by force of their s^d lease or leases to have and challenge some

¹ 26 Sep., 7 James, 1609.

² This statement is inaccurate. The 3000 yeares Lease of *Newhouses* here alluded to was granted to JOHN BAYNE, 31 July, 1606, and by him assigned to Robert Servant, 20 Nov., 1607. (See under NEWHOUSES).

further interest right or property then they have ever had in or to the s^d bruisinge or fellingge and carryinge awaye of hollins in the s^d pasture called *Woodale pasture*, and, under pretence thereof, they the s^d Robert Servant and William Messinger have forbidden and denyed your Orator and his servantes to have free egressse with your Orator's Sheepe & Cattell into the s^d pasture called *Woodale pasture*, and will not permit & suffer your s^d Orator and his servantes nor goodes to use take and have the benefit of the s^d hollins in the s^d pasture called *Woodale pasture*, to your Orator's use in such sorte as heretofore he haith enjoyed and used to have the same, which will be to the exceeding great losse preiudice and hinder-
 aunce of your s^d Orator unlesse he be relieved heerein in Equity by your good Lordshipp in this Honble Courte touching the premisses. And your Orator doth and will aver and mainteyne that they the s^d Robert Servante and William Messenger who have the s^d close or pasture called *Woodale pasture* graunted unto them in their s^d lease by the s^d Sr. John Yorke as afores^d have the same noe otherwise graunted to them but in the same sorte and manner as before they had occupied and used the same, *which was* that your Orator and his Auncestors *and their under farmers* and occupiers of the s^d *Woodale farme* and their under tenauntes thereof have ever had free liberty of egressse and regresse to fell cutt and carry away the s^d hollins in the s^d pasture called *Woodale pasture*, and egressse and regresse for his and their sheepe and cattel to bruise and feed thereon as afores^d and were never heretofore contradicted nor disturbed by the s^d Robert Servante nor William Messenger nor anie other, although they have beene tenants to the s^d Sr. John Yorke of their severall farmes for divers yeares past, *and held their s^d farmes by lease* under the s^d Sr. John Yorke as nowe they doe. neither was it ever meant or intended by the s^d Sr. John Yorke that the s^d Robert Servante or William Messinger or anie other clayminge under them should intercept your Orator and his assignes during his tearme of 3000 yeares to have enjoye and use the bruisinge feedinge depasturinge and carryinge away of the s^d hollins in the s^d pasture as they formerlie had done."

"In tender consideration wheareof and forasmuch as your Orator cannot by the stricte course of the common lawes of this Realm be releevd heerein for lacke of meanes to prove or laye anie custom or prescription as theire he ought and for that the s^d Def^{ts} verie craftily and cunninglie procured and gott the lease of the s^d *Woodale pasture* to them sealed by the s^d Sr. John Yorke before the s^d lease made to your Orator of the s^d farme as aforesaid, May it therefore please your good Lordship to graunte unto your s^d Orator his Maties most gracious Writ of subpena to

be directed to the s^d Robert Servante and William Messinger commandinge them to appear before your good Lordshipp in his Maties High Court of Chancery be a certaine day and under a certaine payne therein to be lynitted and to stand to and abyde such order and direction therein as to your Lordshipp s^dhall have thought fitt and agreeing with equity and conscience."

From this curious Document, we see that ROGER BAYNE was living at *Ravensthorp*, which is in Feliskirk parish, near Thirsk, in 1610. From the Sale Deed of 1621, to be given next, it will be seen that he won his cause, probably, without having to fight further for it, as there are no further Documents in the Record Office.

Mr. William Gregson of Baldersby, F.G.S., F.S.I., supplies the following extract :—

"During the year 1611, a marriage took place at Gilling, between ROGER BAYNE, Gent., of *Ripon*, and Ursula Barton, of Gilling, at Gilling." (Paver's *Marriage Licenses*, Part IX., *Yorks. Archæol. Journal*, 1892.) From the St. George Pedigree we know that he married URSULA, daughter of Edward Barton of *Whenby*, near Gilling. *Whenby* is only nine miles from *Kilburn*, and nine from *Skelton*. In 1612, he entered his Pedigree at the St. George *Visitation*.

I have not chanced upon any evidence to show whether the following note, supplied by John Henry Metcalfe, Esq., of Crayke Castle, Easingwold, applies to him. I notice that the name is spelt the same as that of RO. BANE of *Kilburne*, 1587.

"In the Will of Henry Scrope of Stainton, dated 1612, is a legacy to his niece, Marie Scroop, dau. of his brother Christopher. The Administrator of this Will is ROGER BANE, gent., of Scarbro", cozen of the child's mother."

In fact, after 1612, we lose sight of Roger Bayne till 1621, when we find him described as "of the cittie of Yorke, Gent.," in the following Deed,



kindly lent me to copy for this work by Mrs. H. H. Oxley of Bishopton, the present owner of *Woodale*.

Indenture made 30 March, 20 Jas. [1621], Betwene ROGER BAYNE of the Cittie of Yorke, Gent., of thone partie and Christopher Beckwith of *Wodalle*, alias *Woodhall* in Netherdale, co. Yorke . . . Yeoman of thother partie. Witnesse that Whereas the Right Worshipfull Sir John Yorke of Goltwaite, in Netherdale . . . Knight, and Dame Julian, his wyfe, by there Indenture of Lease, bearing date the 26th Sept., 7th Jas. [1609], . . . have . . . demised, granted and to ferme letten unto the said ROGER BAYNE, his Exors., admors., and assignes, All that Capital Messuage ferme or tenement att *Wodalle* alias *Wodhall*, in Netherdale . . . lands and appurtenaunces . . . under the yeerly rent of 5*l.* 6*s.* 8*d.*, scituate, lying, and being att *Wodalle* alias *Wodhall* in Netherdale and then in the tenure of the s^d ROGER BAYNE, or his assignes And also one parcell of ground more called by the name of *firth* late enclosed by the said ROGER BAYNE next adjoyning unto . . . *Wat close*, then in the tenure . . . of the s^d Roger Bayne or his assignes. Together with all wayes, waters, etc. And also houseboote, flyer boote, fence boote, cart boote, plough boote, and yeat boote to be taken ymployed and expended upon the demised premisses . . . with all the hollinges growing and being in *Wodhall pasture* and to have free egress and regresse from tyme to tyme . . . during the whole terme of three thousand yeeres (3000 years) in such sort as theretofore had been accustomed. And also to cut down and carry away the bruizing of the said hollings as hath bene used to repayer and uphold the tenementes of the premisses . . . And also libertie for the said ROGER BAYNE, his exors., admors., and assignes to gitt slate and stone within and upon the demised premisses and the Moores, Commons, and Wastes belonging to the same . . . Always excepted and reserved . . . unto the said Sir John Yorke, and Dame Julian, his wife, and the heires and assignes of the s^d Sir John Yorke The Royalties and liberties of hawking, fishing, hunting, and fowling, with ffree libertie of the deare of the s^d Sir John Yorke, and Dame Julian his wife, etc. . . . To feed and depasture from tyme to tyme upon the demised premisses, And all haukes Ayeries which shall happen to come be or breede and all wayved or estraied goods and cattell that shall happen to come and be in or upon the demised premisses . . . and the libertie to take and carrie away the said haukes, waves, and estrayes, And also excepted and reserved All mynes of leade ure, copper, ironstone, cooles, slate, freeston and other mineralls, mettalles now found or hereafter to be found in the premisses [Also excepted power to dig for stones and minerals . . . and to

cut down wood]. To have and to hold . . . unto the s^d ROGER BAYNE his exors., &c. . . . unto the full end and terme . . . of 3000 yeares . . . yelding and paying therefore yerely . . . the rent of 20*l*. . . . And 2*s*. . . . Only over and above the s^d xx^{li} for and instead . . . of all horse Rakes and boones and also two henns in kynd at the feast of the Nativitie of our Lord, And also yeelding and paying . . . certayne fynes . . . within 40 dayes after and upon the change of everie tenaunt by death or alienation of all or part of the premisses. And yeelding . . . and doing suit and service att and to the Court . . . and milne or milnes of the s^d Sir John Yorke . . . in Netherdale . . . with such moulcture and tolle as had bene therefore accustomed to be paid Now this present Indenture Witnesseth that the s^d ROGER BAYNE for . . . the somme of 44*ol*. . . Hath granted . . . assigned and set over . . . unto the s^d Christopher Beckwith . . . All that the said capitall Messuage, etc. . . . now in the occupation of the s^d C. B. . . . And also all that close of pasture called *the Willow Garth* all that close of pasture called *the Ellers*, All that close of pasture called *the leggerings*, all that close of meadow called the *East Inge holme* all that close of meadow called *the pettie holme*, all that close of meadow called the *East Ing*, lately devided into two closes, All that close of meadow called *the Lowther in thwaite*, all that close of meadow called the *high thorne thwaite*, All that close of meadow called the *Borron Ings* . . . all that close of meadow called *the Calf hall head* . . . a close of pasture called *Kebb close* . . . that . . . called *the firth*. All that close of meadow called *the Watte close* . . . that . . . called *the High Ing heads* all that called *the High Ing*. . . . that called *the West Holme* that called *the Cow close*, and a third part of all that meadow close called *the Great boone* as it is now devided, all which s^d premisses are now in the occupation of the s^d Christopher Beckwith, or his assignes and also two partes of the soile and eatage of all that pasture called *Winterside* into 3 parts devided, and now in the indevided tenure or occupation of the s^d Christopher Beckwith and of CHRISTOPHER BAYNE of *Wodalle* alias *Wodhall*, Together with all commons, etc. To have and to hold unto the s^d Christopher Beckwith During [the remainder] of the terme of 3000 yeeres . . . yeet to come, etc. [then covenants] . . . And lastly that the s^d ROGER BAYNE and URSULA his wyfe shall, etc. . . . Anno Dni 1621.

(Sgd) RO. BAYNE:

Seal gone. Endorsed as Witnesses by John Barton, Thomas Beckwth. Charles Sandwymer, MARMADUKE BANNE, William Todd.

It will be seen from the Deed of 25 Nov., 1690, between Christopher Bayne of High Woodale, and John Horner, that the lands conveyed under the present Deed did not amount to more than about two-thirds the *Woodale* Estate secured to Roger Bayne by the 3000 years lease of 1609. The remainder had in the meantime been conveyed to CHRISTOPHER BAYNE. The witness MARMADUKE BAYNE was the eldest son and heir of this Christopher. (See *Pedigree* below.) It will also be seen that URSULA (Barton) wife of ROGER BAYNE was still living in 1621.

Mr. John Baynes, J.P., Mayor of Ripon, has supplied the following information :—

The Rev. K. W. Summerfield, Vicar of Middlesmoor, writes on December 9th, 1891, "I have copied the following [extract from a statement of the charities belonging to the Chapelry] from a wooden tablet in Middlesmoor church :— 'Mr. Roger Bayne, of Woodale, gave thirteen pounds six shillings and eightpence; the interest of it to the poor of the Chapelry of Middlesmoor; the Minister and Churchwardens to distribute the same on St. Thomas' day yearly for ever. Christopher Rayner's house at Low Lofthouse, purchased with the above money.'"

On January 29th, 1892, Mr. John Baynes, J.P., of Ripon, copied from the older of two Township books of Steanbeck Upp, in the possession of Mr. William Foster, of Middlesmoor, containing list of names of Constables and Overseers,

with a statement of their accounts, from 1691 to 1892, the following memorandum on page 120 :—" Christopher Rayner sold and assigned the house he now lives in at Low Loftus, in the township of Steanbeck Upp, for the use of the poor thereof; it being paid for out of money belonging to the poor, April 7th and 21st, 1763; and John Horner, of Middlesmoor, hath the Assignment bearing date as above, in keeping with the other writings belonging to the said House."

This note seems to have been written in 1769, for p. 120 is headed :—" Account, May ye 16, 1769," as I saw myself Mar. 16, 1894. I have not the slightest doubt that this was the ROGER BAYNE who gave the above Charity.

Mr. John Baynes, J.P., Mayor of Ripon, has sent me the following extract :—

(Further Report of the Commissioners for Inquiring concerning Charities, dated 8th July, 1820. Ordered by the House of Commons to be printed, 18th September, 1820).

PARISH OF KIRKBY MALZEARD.

(Pp. 424 and 425). " The upper division, comprising the townships of Fountaines Earth, Stonebeck Up, and Stonebeck Down, in the Chapelry of Middlesmoor, and Hartwith in the Chapelry of Hartwith-cum-Winsley.

ROGER BAYNE'S Gift.

This was an ancient donation of 13*l.* 6*s.* 8*d.*, the interest of which was payable to the poor of Stonebeck Up on St. Thomas'-day, by the minister and chapelwarden. The fund was laid out many years ago upon a cottage and garden at Low Lofthouse; but the cottage having fallen down, the land, containing altogether about 15 square yards, was sold or given up



seven years ago by the chapelwarden and overseers of Stonebeck up, with the consent of the inhabitants of the township, to the Rev. Thomas Lodge, perpetual curate of Middlesmoor, in consideration of 10*l.*, which was the full value of the land. The sum of 10*l.* was placed at interest in the hands of John *Vintz* [*sic*, but should be *Verity*], chapelwarden, and who was last year overseer of the poor; and interest, at the rate of 10*s.* a year, is distributed by him among poor people of Stonebeck Up, chosen by himself."

Mr. Baynes also supplies the following :—

The Rev. K. W. Summerfield, Vicar of Middlesmoor, has sent me further matter in a letter, dated 17th November, 1894 :—" In looking over the oldest books I have of the Shepherd and Craven Dole (which is still distributed in the parish quarterly), I came across the following Disbursement of Charities in Stonebeck Up :—

				£	s.	d.
One-third of Dr. Craven's	...	...	...
One-third of Wm. Craven's	...	...	...
Swithenbank's Charity	...	...	...
ROGER BAYNE'S Gift	...	...	...	0	9	0
Margaret Spence's Gift	...	..	...	0	13	4

The above distributed April 8th, 1831.

ROGER BAYNE'S gift is also mentioned in similar distributions for the years 1832 to 1838. And in a further disbursement of Charities *not including* ROGER BAYNE'S, April 26th, 1831, it is signed by Mr. Hutchinson, the Vicar, and Robert Bayne and Jas. Weatherhead (probably churchwardens)."

What became of ROGER BAYNE after 1621-2, when he was living at York, I have not been able to ascertain. The inaccurate Betham (*Baronetage*, 1804, Vol. V., 4to, pp. 453-459) followed by Playfair (*Fam. Ant.*, 1811, 4to, p. 612) has this remarkable statement :—" ROGER of Woodhall, who succeeded his father and mar. URSULA, dau. of Ed. Barton of Whenby, but dying without issue at *Bickerton*, he, by his last Will and Testament, dated Jan. 29, 1629 [-30] and proved at York by his cousin and exor., John Taylor, Oct. 16, 1630, bequeathed his estate to the 5 daus. of his cousin JAMES BAYNE of Ravensthorpe," etc. Now, I myself searched at York carefully for this Will. No such Will is to be found there, either in *Index Book* 40 (1627 to 1629), or in *Index Book* 41 (1st Part, 1627, to p. 94; 2nd Part, Ap. 1630 to 1632), so that it is certain

that no such Will was proved at York between 1627 and 1632 inclusive.

By referring to the *Fines* of 1566, between MILES BAYNE and others (p. 215 note), it will be seen that a John Taylor and his wife Agnes were parties to one Fine. If this Agnes was a Bayne, there is room for the possibility that a son or descendant of theirs may have been a relative of Roger Bayne of Woodale. Suffice it to say that the alleged Will is not to be found at York. If, as stated by Betham, ROGER BAYNE of *Woodale* died without issue, the second line of Christopher Bayne of Middlesmore, and Margaret Vavasour, his wife, became extinct with him.

§ V. SECOND BRANCH OF THE SECOND LINE OF CHRISTOPHER BAYNE OF MIDLESMORE, AND MARGARET VAVASOUR, HIS WIFE.

FRANCIS BAYNE was the second son of Christopher Bayne of Middlesmore, and Dorothy Phillip, his wife. I have myself been able to find nothing whatever about him. If Betham were to be trusted it would be easy to follow him in making this FRANCIS BAYNE "of York." The St. George Pedigree does not say so, though it was made in 1612.

In the *Parish Registers* of St. Martin cum Gregory . . . York (Ed. by Edward Bulmer, 1893, 4to, Vol. I., p. 21), occurs the following entry under "Chrystenynge in Ao. Dni., 1574." "Gabryell Wharton, sonne of anthonye wharton gentleman, and marye hys wyf, was baptysed the 30 november beyng St andrew day the appostle. gabryell ffayrfax of steton esquier, andrew trew marchante, and MARGERIE BAYNE, wyf of FRANCES BAYNE,¹ sheurties or

¹ Another FRANCIS BAYNE appears in the *Royalist Composition Papers* (G. 79, fo. 779) "According to the Order of 18 May, 1652, upon peticon

wyttnesses of the said baptysme." Under "Maryages Anno. 1554" (p. 10), is this entry, "Anthonye Wharton, gentleman, dydd marye and take to wyf — Beane, doughter of the worshupfull John beane alderman & Jus[tice] thys sext day of Auguste." John Beane was Lord Mayor of York, 1545 and 1565. (Thos. Gent, *Hist. of York*, 1730, p. 218.) There was probably some relationship between the Wharton and Bayne families, as WILLIAM BAYNE, mercer, of London, says in his Will, dated 20 May, 1538 (for which see p. 154 above): "Also I bequeath to Richard Wharton and Elizabeth, his wife, either of them a black gowne." The above Anthony Wharton was of Rigwell Grange, Westmorland, whose great-great-grand-daughter Ann Wharton married Ambrose Stevenson, whose daughter Anne married John Hall of Skelton Castle, whose grandson John Hall of Skelton Castle, M.P. for Beverley, took the surname of Wharton, still held by his nephew. (Burke, *Landed Gentry*.)

of Thomas Dawson and Ellen Dawson, children of William Dawson, late of York, gent., deceased, desireing allowance of an estate made to their use for payment of their porcons by Lancelot Walker of Lands in Cumberland now sequestered for the delinquency of the said Lancelot, I find that it appeareth by a Deed before the Vice-President & Counsell of Yorke, 23rd Sep., 1635, that there was due to the petitioners for their child's part of the estate of Wm. Dawson, their father, the summe of 605^l., which was then decreed to be paid by FRANCIS BAYNE, and JANE his wife, who was formerly wife to the said Dawson, and mother to the petitioners, which Jane was afterwards married to the said Lancelot Walker." This Francis Bayne clearly died between 1635 and 1652.



In Francis Drake (*Eboracum*, Lond., 1736, Fol., p. 365), I find :—"1584. *Lord Mayor*. Thomas Appleyard.

Sheriffs. FRANCIS BAINE, Robert Walter."

FRANCIS BAYNE is stated by Betham to have died in 1612, so I will prove his *burial*.

"FRANCIS BAYNE of *Ravenstrop*, was buried the 12th day of May, 1624." (*Feliskirk Registers*.)

Betham makes FRANCIS BAYNE to have had two sons, JOHN and JAMES BAYNE of *Ravensthorp*. In the *Registers* of S. Martin cum Gregory, York (p. 15), under "Chrystenynges In Anno Dni. 1568," is this entry : "JOHN BANE was baptysed the 10 of June," but whether this JOHN be the son of FRANCIS and MARGERIE BAYNE, I cannot say. JOHN BAYNE is stated by Betham to have died without issue, and to have left a Will, dated Nov. 1624, by which he left his estate to the 5 daus. of his brother JAMES BAYNE of *Ravensthorpe*, but we shall soon see what this is worth.

JAMES BAYNE of *Ravensthorpe*, is stated by Betham to have had 5 daus : URSULA, MARY, MARGARET, ANNE, and JANE, by his wife MARGARET, who after his decease married CHRISTOPHER BAYNE of *Kilburn*.

The *Feliskirke Registers* commence in 1600, and extracts of the name of BAYNE, BAINE, up to 1630 have been made for this work by the Rev. Henry Clayforth, Vicar of Feliskirk, at the instance of Christopher W. Baynes, Esq.

"JAMES BAYNE married MARGARETT Tre----- [illegible



but believed by Mr. Clayforth to be Treuman] the 5th day of Maye, 1612."

"JAINE BAINE, daughter of JAMES BAINE, *buried* the third day of March, 1612"[-13]. Jane must, therefore, not only have been his eldest child, but must also have died within a month of her birth, and cannot, therefore, have received any legacy from "Uncle John," or, as also alleged by Betham, from ROGER Bayne late of *Woodale* and *Ravensthorp*.

"JAMES BAINE of *Raventhrop* was buried the 11th day of June, 1624." There is, therefore, no evidence for any of the alleged 5 daughters but JANE who d. inf.

"CHRISTOPHER BAINE married MARGARET BAYNE by a license granted the 20th of October, 1625." CHRISTOPHER BAINE we know to be the 3rd son of WALTER BAYNE of *Limley*, and afterwards of *Kilburne* (which see), and MARGARET the widow of James BAYNE of *Ravensthorp*.

§ 6. THIRD LINE OF CHRISTOPHER BAYNE OF MIDDLES-
MOOR, AND MARGARET VAVASOUR HIS WIFE.

AMONG the *Studfold* Deeds, the property of C. E. Carter, Esq., of Chester, is the following :—

(1.) Indenture made the 16 Sept., 7 Jas., 1609, Betwene the Right Worshipful Sr. John Yorke of Golthwaite in Netherdale . . . Knight, and dame Julian his wife, of thone partie, And Richard Kidd of *the Steane*, in Netherdale . . . husbandman, of thother pty. Witnesseth that the said Sr. J. Y. and dame J. his wife . . . in consideracion that the

s^d R. K. hath surrendered . . . into the hands of the s^d Sr. J. Y. one lease or grant which the s^d R. K. and one Christofer Graunge of Steane . . . have of one messuage, fferme, or tenement at *Steane*. . . . Have demised, granted, and to farme, letten . . . All that messuage, etc., etc., . . . To have and to hold . . . for . . . 3000 yeares . . . etc. [Among the covenants is the following.] And also the s^d Sr. J. Y. . . . doth for him his heires, exors., and admors, covenante, promise, and grant to & with the s^d R. K., his exors., etc. . . . that he . . . Sr. J. Y. . . . his heirs, & dame Julian his wife, and Thomas Yorke, brother of the s^d Sr. John, shall & will upon reasonable request to them, or anie of them, to be made . . . before the ffeast of Easter now next ensuinge levy a fine of the s^d messuage, fferme, or tenem^t lands, . . . etc. together with divers other messuages, landes, tenements, and hereditam^{tes} in Netherdale . . . unto RICHARD BAINE and HUMFREY BAYN to the heyres of the s^d Richard (sur cognisance de droit) as that which they have of their giftes which fyne shalbe to the use of the s^d RICHARD BAINE and HUMFREY BAINE and their heires to thend to make them perfect tenants of the ffreehold of the premisses and to thend that Thomas Spence and francis Graunge may bring a writt of entrie against the said RICHARD BAINE and HUMFREY BAINE and demaund the said messuage . . . etc. . . . whereunto they shall appear in person or by attorney and vouch over the s^d Sr. J. Y. . . . and he shall appear in person or by attorney and vouch over the Comon vouchee, so that a good and perfect Comon recoverie maie thereof be had which s^d recoverie and in case the said recovery be not had before the ffeast of Pentecost, 1612, then the s^d fyne shall of for and concerninge the s^d messuage, fferme or tenem^t landes & premisses . . . be lymitted & be taken to be and enure to the onelie use & behoofe of the s^d Richard Kidd, his exors., admors., & assignes for & duringe the said tearme of 3000 yeares, etc. . . . and then to the use of the said Sr. John Yorke & dame Julian his wife, for their lives . . . and then to the use of the heires of the s^d Sr. John York for ever. . . .

Signed, John Yorke, Julyan Yorke.

Seals gone.

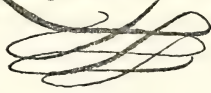
Sealed, signed, and delivered in the presence of RO: BAYNE (autograph), Samuel Thackwrey (autog.), PETER BAYNE (autog.), Leonard Payler (autog.).

Sir John Yorke was tenant in tail, therefore, in order to grant a lease for any term longer than his own life, he was

Autographs. Roger Bayne of Woodale I. Chap. XI. Plate VIII.

N^o 1.

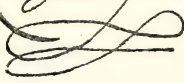
Ro: Bayne:



16 Sep. 1609.
See p. 256.

N^o 2.

Ro: Bayne.;



26 Sep. 1609.
See p. 259.

N^o 3.

Ro Bayne:

30 March. 1621.
See p. 248.

Peter Bayne of Studfold. Chapter XI.

N^o 4.

Peter Bayne

16 Sep. 1609.
See p. 256.

N^o 5.

Peter Bayne

26 Sep. 1609.
See p. 259.

Marmaduke Bayne of Woodale II. Chapter XIII.

N^o 6.

Marmaduke Bayne

See p. 300.
30 Mar.
1621.
See p. 248.

For Astog of his son Christopher see Plate XI N^o 30, 5 Jan. 1656

Lucas's Bayne of Nidderdale.

obliged to bar the entail, in this case falling to his brother Thomas Yorke. This does not explain what is now called the fictitious suit: *e.g.*, Christopher Spence had a 3000 years Lease at Middlesmoor and Riggs. Thomas was no doubt heir of Christopher. Christopher Graunge had a lease at Steane: Francis Graunge was no doubt heir of Christopher. RICHARD BAINÉ and HUMPHREY BAINÉ were adjoining owners under 3000 years' Leases of their own, RICHARD at *Moorhouse*, HUMPHREY at *Riggs*, both of which *see*.

Of the witnesses ROGER BAYNE can be proved by his fine autograph (Pl. VIII., No. 1,) to have been of *Woodale*, the last of the St. George Pedigree; PETER BAYNE was of *Studfold* (Pl. VIII., No. 4).

BAYNE OF STUDFOLD (I.) AND SUTTON-UNDER-WHITSTONCLIFF.

JOHN BAYNE of *Stodfold* [Studfold], is given in the St. George Pedigree as the 3rd son of CHRISTOPHER BAYNE and MARGARET VAVASOUR. As ROGER BAYNE of *Woodale*, his eldest brother was constable of Middlesmoor in 1515, it seems hard to believe that that JOHN of Studfold, could be the JOHN BAYNE of Studfold, living in 1595. However this may be, the first mention of *Studfold* is in the *Will* of JOHN BAYNE of *Riggs*, dated 27 Aprill, 37 Eliz. [1595], who leaves certain articles 'to the use of my doughter at

the discretion of my wief and JANE BAYNE of *Studfolde*.' Again, '*Item*, I request that William Inman, JOHN BAYNE of *Studfold*, and ROGER BAYNE, my brother, be supervisors hearin,' etc.

The presumption is that JANE was the wife of JOHN BAYNE of *Studfold*. The following *Deed*, dated 26 Sep., 1609, shows that JOHN BAYNE of *Studfold* had a son named PETER BAYNE, and that JOHN BAYNE of *Studfold* had not been long dead at the date of that Lease. John Bayne was one of the few who had taken short term Leases. This Lease Peter Bayne exchanged for a 3000 years Lease on the above date. For the opportunity of copying this last, I am indebted to T. Edward Yorke, Esq., J.P., of Bewerley Hall, Nidderdale, who possesses the counterpart; and to C. E. Carter, Esq., of Chester, the present owner of *Studfold*, for the loan of the lease itself, and eighteen other Deeds relating to *Studfold*.

Lease marked No. 3 [counterpart].

Indenture made 26 September, 7 James, . . . 1609, Betwene the right Worshipfull Sr. John Yorke of Golthwaite, in Netherdale . . . Knighte, and dame Julyan his wyfe, of thone partie, and PETER BAYNE of *Studfold*, in Netherdale, . . . yeoman, of th'other ptie Wytnesseth that the s^d Sr. John Yorke and dame Julyan his wyfe as well for and in consideration that the said PETER BAYNE hath surrendered and yeilded upp into the handes of the s^d Sr. John Yorke one lease or graunte which one JOHN BAYNE late of *Studfold* deceased, father to the s^d PETER had of all that capitall Messuage farme or Tenemente scituat at *Studfolde heaninge* and *Middlesmoore* in Netherdale . . . nowe in the possession of the s^d PETER BAYNE or his assigns wherein the auneyent and yearlie rente of fortie shyllinges is reserved and diverse yeares to come in the s^d lease unexpired As also for the presente encreasinge of the s^d rente and the yearly payenge of one newe and enhansed rente . . . Hath demised



graunted and to farme letten . . . All that capital Messuage farme or tenemente at *Studfolde* and *Midlesmore* in Netherdale . . . and the moytie or one halfe of one close of pasture called *heaninge* in Netherdale . . . now or heretofore occupied and enjoyed under the yearlie rente of ffortie shillings scituat lyenge and beinge at *Studfolde* on both sides of one water called *Steanebecke*, *heaninge* and *Middlesmoore* in Netherdale aforesd. nowe in the tenure and occupation of the s^d PETER BAYNE or his assignes, Togeather with all waies, etc. . . . Alwaies excepted, [etc., as in the other 3000 years' leases.] . . . To Have and to Hold . . . unto the s^d Peter Bayne . . . unto the full end and Tearme of 3000 yeares yeildinge and payenge therefore yearlie . . . the rente of tenne poundes . . . etc.

Signed, PETER BAYNE, (*Autog.*).

Endorsed as witnesses by RO: BAYNE, Samuell Thackwrey, Leonard Paylor.

For the *Autog.* of Peter Bayne, see Pl. VIII., No. 5. ROGER BAYNE the witness was (by his autograph Pl. VIII., No. 2,) Roger of *Woodale*.

The Lease and counterpart correspond, except as regards certain variations of spelling.

Among the *Studfold* Deeds belonging to C. E. Carter, Esq., of Chester, the Lease itself is marked "No. 2."

Among the Covenants is the following :—

And moreover the said Sr. J. Y. . . . doth . . . covenante promise and graunte to & with the s^d PETER BAYNE, etc. That he the s^d Sir J. Y. and his heires and dame Julyan his wyfe, and Thomas Yorke, brother of the s^d Sr. John, shall & will upon reasonable requeste and at the costes & charges in the lawe of the said PETER BAYNE . . . to be made before the ffeaste of Easter nexte, levie a fyne of the s^d messuage landes, tenementes . . . etc. . . . at *Studfolde*, *heaninge* and *Midlesmoore* . . . together with diverse other messuages, landes, tenementes & hereditamentes in Netherdale . . . unto RICHARD BAYNE and HUMFREY BAYNE and to the heires of the s^d RICHARD (sur cognisance de droit) as that which they have of their guyftes wth fyne shalbe to the use of the said RICHARD BAYNE and HUMFREY BAYNE and their heires to thend to make them perfecte tennantes of the ffreeholde of the premisses and to thend also that Thomas Spence and ffrancis Grange may

bringe a Writt of entrie against the said RICHARD BAYNE and HUMFREY BAYNE and demande the s^d Messuage [etc., etc., as before] . . . to t he onely use & behoof of the s^d PETER BAYNE, etc., as before.

Signed, John Yorke, Julian Yorke.

Seals gone.

Signed, sealed, & delivered in the presence of RO: BAYNE, Hugh Leigh, Christopher Spence, firancis Grange (all autog.).

ROGER BAYNE, the witness was of *Woodale*. Christopher Spence, as mentioned above, had a 3000 years Lease of an estate at Middlesmoor and Riggs, and in Massam *Peculiar Court Act Bk.*, No. 2 (p. 55), under "Midlesmore," "John Spence of *Studfall*, and Margaret his present wife," were presented "for being marryed without their parish without license or banns, askeing," at the Court (?) 18 Aug., 1624.

WALTER BAYNE of *Limley*, in his Will, dated 7 May, 1615, says: "*Item*, I make RICHARD BAINE, CHRISTOFER BAINE, and PETER BAINE, the supervisors of this my last Will."

I do not know whether it is exactly possible to give a perfect view of the property held by PETER BAYNE at *Studfold* and *Middlesmoor*, but from the Studfold Deeds of 1632, 1641, 1678, 1716, 1724, and 1734, I have gathered the following field names, etc.

At *Studfold* (from *Deed*, 29 Nov., 1632, and later Deeds).

A capital Messuage or Fire house, orchard, and garden.

Bowling Alley.

One moiety of Heaninge, 21½ beastgates.

Cowe garth, Calf pasture or Calfe close . . . 2 days' mowing.

Broad Inge 3 " "

Folde Close, afterwards Foale close . . . 3 " "

Stonyfeild, Stonefold 2 " "

Lawe West Inge	...	...	West Inge	6 days' mowing.
High West Inge, 2 closes	...	...
Simpson wife close. ¹				
Newe close croftes.				
Parrocke (afterwards 2 closes)	...	...	4 days' mowing.	
Ealand	...	...	3	" "
Pasture gates in The Carre.				

At *Middlesmoor* adjoining to Studfold (from *Deed*, 1 Nov., 1641, and later Deeds).

Message and garden, etc.				
The Little Jervis Inges (2 closes)	...	...	8 days' mowing.	
Great Jervis Inge	...	...	10	" "
Daweday botham, Dawday bottom	...	...	6 Acres.	
Newe close	...	...	6 days' mowing.	
Theakstone close	...	...	4	" "
Sower Inge, Sower close	...	...	3	" "
8 cattle gates on Middlesmoor In moor.				

In all, 6 Acres and 54 days' mowing,

and upwards of 30 Cattle gates.

It seems to have been nearly all grazing and pasture land. In addition to this there were rights of turbary, etc.

The following Deed proves that PETER BAYNE of *Studfold*, was the same person as PETER BAYNE of *Sutton-under-Whitstonedcliff*.

Indenture made the 29 Nov., 8 Car. [1632], Betweene George ffavell of *Studfould*, in Netherdale . . . yoman of the one ptie And John Clarke of the same . . . yoman of the other ptie Whereas [Recites 3000 years Lease from Sr. John Yorke, etc., to "PETER BAYNE of *Sutton-under-Whistoncliffe*," dated 20 Sept.,² 7 James [1609] and proceeds] The Estate and Interest of w^h said PETER BAINE in and to all the . . . said premisses . . . the s^d PETER BAYNE did grant convey release assign and sett over unto John Craven the younger of Trope, in Nether-

¹ William Simson witnessed Thwaite Ho. Deed "No. 2," 4 Dec., 1618, between RAIPHE BAYNE of the *Sykes*, and Peter Hanley of Somerside, (see CHAP. XII).

² The words run: "by his Indenture of Lease bearing date the Twentieth day of September." This is an error. It should be "sixe and twentieth."



dale . . . for and during all the remainder of the s^d terme of 3000 yeares, as by his Indenture under his hand and seall bearing date the 22 May, 19 Jas. [1621] . . . more fully and att large it doth and may appeare, etc.

Seal gone.

Signed, Gorg ffavell.

Endorsed as witnesses by Galfrid Adamson, John Adamson, John Greene. This endorsement dated 1632.

At what date PETER BAYNE went to *Sutton-under-Whitstoncliffe* does not appear. The earliest evidence of his presence there is in the *Feliskirk Registers*, in which there are the following entries :

"JOHN, the sonn of PETER BAINE of *Sutton*, was baptised the 9th day of Februarie, 1616[-17]."

"ELIZABETH, ye daughter of PETER BAINE of *Sutton*, *bap.* May 17th, 1618."

"The childe of PETER BAINE of *Sutton*, was buried the 24th day of December, 1619."

"PETER, ye sonn of PETER BAINE of *Sutton*, *bap.* 12th Nov., 1620."

"RALPHE, the sonn of PETER BAINE of *Sutton*, *bap.* 11 Januarie, 1622[-3]."

"DOROTHY, the daughter of PETER BAINE, *bap.* 10 December, 1624."

"DOROTHY, the daughter of PETER BAINE of *Sutton*, was buried 16 Januarie 1624[-5]."

"ROGER, the sonn of PETER BAINE of *Sutton*, *bap.* 8 December, 1625."

It is important to put in one other Deed reciting the same two Deeds as the last, as in this case Peter Bayne is described as 'of Studfold.'

"No. 3." Indenture made 1 Nov., 7 Charles . . . 1641, Betweene Peter alias Yorke Craven of Riggs, in Netherdale . . . yeoman, of thone pty. And John Craven of *Studfould* . . . yeoman, Whereas [recites 3000 years Lease from Sr. John Yorke, etc., to "PETER BAYNE of *Studfould*," dated 26 Sept., 7 Jas. [1609, and proceeds]. And whereas alsoe the said PETER BAYNE by his Indenture bearinge date 22 Maye 19 Jas. [1621] did . . . demise . . . assigne and sett over unto John Craven of Trope . . . yeoman . . . the s^d messuage . . . closes, pasture gates, etc.

Signed, Peter Craven.



Endorsed as witnesses by John Lofthouse thelder, John Craven the younger, John Lofthouse the younger, Thomas Craven, Peter Craven [not the above].

At this point I am reluctantly obliged to leave the history of PETER BAYNE and his descendants. No doubt the *Feliskirk Registers* contain further information, but I presume that there is no entry between the birth of his youngest child ROGER and the year 1630, up to which date the Registers were examined, on a different quest, by the Rev. Henry Clayforth, Vicar of Feliskirk, for this work. It is therefore to be presumed that PETER BAYNE died at *Sutton-under-Whitstoncliffe* later than 1630.

Of the sons, JOHN, the eldest, is possibly the JOHN BAINE, who attests a Deed Poll, to which CHRISTOPHER BAINE of *Kilburn*, was a party and signatory, dated 29 April, 1640. (*See KILBURN.*) ROGER, the youngest, appears in the following entry in *Subs. Roll*, $\frac{2}{4}\frac{15}{2}$, 14 Car. II. [1662], *Hearth Tax*: "*Sutton under Whiston Cliffe.*" . . . "ROGER BAINE, gent., of *Sutton under Whiston Cliffe*, hath four Hearthes;" and again in *Subs. Roll*, $\frac{2}{4}\frac{16}{6}$, 19 Car. II. [1667], *Hearth Tax*, under "*Sutton Undercliffe*," 'ROGER BAYNE, 5.'

If there are now any descendants of PETER BAINE of *Sutton-under-Whitstoncliffe*, who can prove their descent from him, they alone, as far as I can see at present, can also prove their descent from CHRISTOPHER BAYNE and MARGARET VAVASOUR.



CHAPTER XII.

RALPH BAYNE, 1593-1620.

Of Middlesmoor, 1593-16 Oct., 1608, at least; *Thwaite House*, owner of the freehold of $\frac{1}{3}$ from before 1607—4 Dec., 1618; *Rippon*, 1609—1613; *Newhouses* (3000 years' Lease), 1609—1613; *Morehouse*, 18 June, 1618; *Sykes Grange* owner of freehold farm, 18 June, 1618—22 June, 1620, at least.

RALPH BAYNE of Middlesmoor Chapelry, at present stands by himself.

Subsidy Roll, $\frac{207}{178}$, 1543-4, shows under 'Fountaines Earth' RADULPHUS BAYNE *in bonis* xis. ijd. (see p. 215, above), but there is no BAYNE mentioned either in 'ffountaine Earth' or in 'Stanebeck Upp,' in *Subs. Roll*, $\frac{208}{231}$, 1566.

The first evidence of the present RALPH BAYNE, which I have met with, is his signature as witness to a Deed Poll among the *Limley* Deeds, in the possession of William Harker, Esq., J.P., of Harefield, Pateley Bridge :—

To all xtian people to whom this present writinge shall come. Anthonie Servante of *Sykes*, etc., etc. . . . Signed, sealed, etc., in presence of James Craven, Robt. Suttill, RAUFFE BAYNE, and others. Dated 1 Sep., 1593.



He appears in the two *Subs. Rolls* for 1597 ; in $\frac{208}{288}$, under 'Staynebeck Upp' as "RADULPHUS BAYNE *in bonis* 3*l.* 8*s.* 0*d.*." and in $\frac{208}{289}$, as "RALPHE BAYNE *in bonis* 3*l.* 8*s.* 0*d.*" He is not mentioned in $\frac{208}{292}$, 1598, either in 'Staynebeck Upp' or 'Staynebecke Downe,' or in $\frac{209}{318}$, 1610. For these *Rolls* see pp. 223-5.

By a recital in the Indenture of Jan. 27, 1770 (see MIDDLESMOOR AND RIGGS), it appears that on July 31, 1606, Sir John Yorke granted a 3000 years' Lease of certain lands in *Middlesmoor and Riggs*, then in the occupation of RALPH BAYNE and John and Roger Craven, to John Servant of *Sykes*, yoman. John Servant of *Sykes*, yoman, mentions in his Will, dated 16 Oct., 1608, his farm at *Midlesmore* in the occupation of John Craven and RALPH BAYNE. (Walbran, *Memor.*, I., 338.) John Craven lived at *Trope* (see STUDFOLD, p. 261, foot.) RALPH BAYNE at this date lived at *Thwaite House*, having previously purchased the freehold of $\frac{1}{3}$ of Thwaite House Grange from Robert Servant, but I have not the date of this purchase.

In an Indenture (see THWAITE HOUSE "No. I.") of 20 Nov., 1607, RALPHE BAYNE is mentioned as owner of part of *Twayt Inge*, which had been sold to him by Robert Servant, and as the owner and occupier of an 'howsse' at *Thwaite House*, adjoining the house purchased on that date by JOHN BAYNE of *Newhouses*, from Robert Servant. RAYPHE BAYNE wrote all the signatures to this Deed. For his Autograph see Plate IX., No. 7.

In the Indenture (*see* THWAITE HOUSE, "No. 3"), of 17 Oct., 1620, it is recited that RAPHE BAINE of *Rippon*, and late of *Thwaithouse* . . . yeoman, by his Deed Indented . . . 30 Sept., 7 James [1609], did . . . to ffarme, lett unto Thomas Bovell of *Mowsey*, co. York, yeoman . . . the third parte of *Thwaite howse Grang* in Nytherdail . . . To have and to hold . . . unto the full end and tearme of 3000 yeares. From this it appears that between 20 Nov., 1607, and 30 Sept., 1609, RAPHE BAYNE had gone to reside on a farm at *Rippon*.

This 3000 years' Lease is to be explained as those granted by Sir John Yorke. In the Will of ADAM BAYNE of *Newhouses*, dated 28 Feb., 1695, occurs this:—"Item . . . to Thomas Bawell children towe shillings." Boyes mentioned in the same Will was also a *Thwaite Ho.* name. Thomas Bovell evidently had some species of *Tenant Right* in $\frac{1}{3}$ of *Thwaite Ho. Grange*.

By Deed Poll (NEWHOUSES DEEDS, "No. 4"), James Messenger of the *Newhouses* assigned to RAPHE BAYNE of *twayth howse*, the 3000 years' Lease of a messuage or farm at *Newhouses*, which had been granted to Thomas Messenger by Sir John Yorke, 31 July, 1606, a small portion of which RAPHE BAYNE of *Newhouses* (*see* NEWHOUSES "No. 5"), leased to George Yeoman of *Woudell*, for 2000 years on 20 Jan., 1611[-12]; and by Deed Poll (*see* Newhouses "No. 6"), 6 June, 1613, RAIPHE BAYNE of *Rippon*,



yoman, assigned the original Lease for 3000 years to WALTER BAYNE of *Limley*, George Yeoman then becoming the Tenant of WALTER BAYNE. For the Autograph of Rayphe Bayne on these two last Deeds, *see* Plate IX., Nos. 8 and 9.

In an Indenture made 22 Oct., 1616 (*see* THWAITE HOUSE), by which WILLIAM BAYNE of LIMLEY, and JOHN BAYNE of *Thwaite House*, complete the purchase of the freehold, part of which had been paid for by Walter Bayne of *Limley*, father of William, mention is made of that part of the *bleusefield* called *Twhaite Inge*, which was or is now in the tenure or occupacion of *one* RAUFFE BAYNE. The use of the word 'one' seems to prove that RAUFFE BAYNE was not immediately related either to WALTER BAYNE of *Limley*, or to JOHN BAYNE of *Thwaite House* (*see* THWAITE HOUSE and LIMLEY).

Unfortunately I have not seen any Deeds relating to *Moorhouse* in Steane, so cannot tell what tenure RALPH BAYNE had of lands there, or when he acquired property there, as he evidently did from the following Deed :—

An Indenture made 18 June, 1618, Betweene William Servante of the *Sykes*, in Netherdaile . . . yeoman And RAPHE BAYNE of the *Morehouse* in Netherdaile . . . yeoman Witnesseth that the s^d William Servante for . . . 8 score 6*l.* 13*s.* 4*d.* . . . hath given, etc., etc., . . . All that part and parcell of a messuage . . . at *Sykes* . . . now in the tenure and occupacion of Christopher Clerke [with various lands] To have and to hold . . . unto the said RAPHE BAYNE his heirs and assigns . . . for ever. Signed, William Servant

in presence of RYCHARD BAYNE, whose autograph shows him to have been the Rd. B. who held a 3000 years' Lease of the *Moorhouse*.

Counterpart, same date, signed RAYPHS BAYNE in presence of RYCHARD BAYNE (autog). (*see* MOORHOUSE). For the Autograph of RYCHARD BAYNE *see* Plate XIV., No. 51.

The next Deed proves that we have been tracing the operations of one and the same RALPH BAYNE all through.

THWAITE HOUSE DEEDS.

"No. 2." Indenture made 4 Dec., 16 Jas. I. [1618], Between RAIPHE BAYNE of *Sykes* in Netherdale . . . yeoman . . . and Peter Hanley of *Somerside*, par. Massam . . . yeoman . . . Witnesseth that the s^d RAIPHE BAYNE for the sume of 108*l*. . . . Hath granted bargayned alyened *infeoffed* sould and confirmed . . . unto the s^d P. H. his heyres, etc., for ever *One ffyre house* or dwellinge howse, *one garth*, one close . . . called *Calfe close*, one close . . . called *parrocke*, one close . . . called *Breckan close*, one close . . . called *haver close*, one close or pasture . . . called *Newe close*, and the halfe of one *intacke* lately taken in from the comon Together with all wayes, waters, etc. . . . All which premisses . . . are scituate . . . att *Thwaite House* in Netherdale . . . and now in the tenure and occupation of . . . RAYPH BAYNE or his assigns. To Have and to holde . . . unto the said P. H., etc., for ever, To holde of the cheife lorde or lordes of the ffee or ffees . . . by the rents and services theirow due and accustomed, etc. [Then Covenants].

Seal, (?) an Armadillo *very deeply cut*. (Sgd.) RAYPHE BAYNE.

Endorsed as witnesses by Christopher Redshawe, RICHARD BAYNE, Richard Smithe, his mark, James Winde^r, his mark, Thomas Cundall, William Servant, John Handley, Willyam Simson, his mark.

For the Autograph of RAYPHE BAYNE *see* Plate IX., No. 10.

For that of RICHARD BAYNE the witness, *see* Plate XII., No. 37.

This RICHARD was almost certainly the 2nd son of WALTER I. of *Limley*.

¹ The name looks like *Winde*, but is certainly *Winne*. The second and sometimes the first of two n's was frequently represented by the first stroke as usual and the second looped over the top like the top of a looped d.

Nº 7.

Ralph Bayne

20 Nov
1607.
See p. 265,
and p. 342.

Nº 8.

Ralph Bayn

20 Jan'y 1612.
See pp. 265. 404.

Nº 9.

Ralph Bayne

6 June
1613.
See p. 265.

Nº 10.

Ralph Bayne

4 Dec. 1618.
See p. 268.

Nº 11.

Ralph Bayne

22 June 1620.
See p. 269.

Humphrey Bayne son of John Bayne of the Riggs B.

Ch. XIII, p. 55.

Nº 12.

Humphrey Bayne.

31 July 1606.
See pp. 319, 584.

Nº 13.

Humphrey Bayne

14 July 1642.
See p. 322.

Miles Bayne of Riggs A, late of Lodge.

Ch. XIII. p. 267

Nº 14.

Miles Bayne

31 July 1606.
See p. 325.



NEWHOUSES DEEDS.

"No. 7" Deed Poll. To all Christen people . . . Roberte Servaunte of *Newhouses* in *Netherdale* . . . yeoman, sendeth greetinge Whereas (Recites Lease of 31 July, 4 Jas. [1606], from Sir John Yorke, etc., to JOHN BAINE of *Newhouses* in *Netherdale* . . . yeoman for the terme of 3000 yeares [as recited in *Newhouses* Deed "No. 2," which *see*]; the assignment of 20 Nov., 5 James [1607], from JOHN BAINE to Robert Servaunte [see Deed "No. 2," under NEWHOUSES], the assignment by waie of morgage of 8 Aug., 10 Jas. [1612] from Robert Servant to Powle Specke of the citie of York [This assignment I have not seen]: The Remise or re-assignment by Powle Specke to Robert Servant of the said Ind^{re} of Morgage, by and in the assignment or Release of the said Powle Specke . . . bearinge date 14 July, 13 Jas. [1615], and proceeds) Nowe the saide Robert Servante for . . . the sume of nine score pounds . . . to him . . . paid . . . by Peter Handley of Somerside neare Pott par. Massam . . . yeoman, . . . Hath graunted . . . assigned set over . . . unto the s^d P. H. . . . All that the s^d message ferme or tenement at *Newhouses* . . . To Have and to hold . . . duringe all the residue of the s^d terme of 3000 yeares, etc. Dated 30 July, 13 Jas., 1615. (Sgd.) Robart Servant.

NEWHOUSES DEEDS.

"No. 8." Indenture made 22 June, 18 James [1620] Between Peter Handley of Somerside, neare Pott, par. Massam . . . yeoman . . . And John Handley of *Newhouses* . . . yeoman, sonne to the s^d Peter Handley. (Sgd.) Peter Hanley, his mke.

Endorsed as witnesses by RAYPHE BAYNE, James Wynne, his mke, Richard Smithe, Thomas Wilkes, Tho: Cundall, Bartholomew Lemyng. Seal, a Fleur de Lys. For the Autograph of RAYPHE BAYNE *see* Plate IX., No. 11.

An Indenture, 31 Oct. 1660, between Dorothe Loftus of *Middlesmoor* . . . widdow, and Thomas Loftus of *Middlesmoor*, Bachelor, and sonne to the said Dorothe Loftus, recites that Sir John Yorke and Dame Julian his wife, by their indenture of lease, 15 Mar. 8 Chas. I. [1632-3], granted for 3000 yeares to Christopher and Richard

Speck of Middlesmore. All that Messuage, ffarme and tenement at *Middlesmoore*. . . . then or late in the tenure or occupacion of John Craven, George Craven, and RALPHE BAYNE. In the Vellum-covered paper folio Book (*Stud. Roy.*, 3,18 and 3,20 mixed together) among the *Exit[us] de Banco*, IX^o Car. [1633], Termino Pasche [Easter Term] under "C.exts" is this entry : Jur[ata] inter Radm. Baynes gen. querentem Et Edw. ffarrand, def[endentem]. "Jury between RALPH BAYNES," etc., but whether he be this RALPH BAYNE or any other I know not.

Thus, the last certain evidence I have of RAPHE BAYNE is 22 June, 1620, when he was seized of a freehold estate at *Sykes Grange*, and probably lived there. RALPH BAYNE was an educated man, and wrote a beautiful hand. He was also possessed of capital, as is evidenced by his numerous dealings with landed properties.

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Then follows a gap of 44 years in my evidence. When we again pick up the broken thread, a WILLIAM BAYNE, presumably a son or descendant of the above RAPHE BAYNE and inheritor of the freehold, was living at *Sykes Grange*. The deeds of this particular estate would throw much light, but unfortunately I have not been successful in obtaining the right set, though Mr. John Baynes, J.P., Mayor of Ripon, 1894-5, has seen those relating to another of the estates at *Sykes Grange*.

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Fountains Earth is not given in *Subs. Roll*, $\frac{209}{384}$, 16 Car. I [1640]. There was no BAYNE under 'ffountaines Earth' in *Subs. Roll*, $\frac{210}{387}$, 12 Oct., 15 Car. II., 1663.

In *Subs. Roll*, $\frac{210}{393}$, 16 Car. II. [1664], *Hearth Tax*, under 'ffountaines Earth' appears "WILLIAM BAINE, 3," [*Sykes Grange*]. In "*ffountance Call Booke*, in Mr. Norclyffe's time, 1666," marked "No. 3" (*Stud. Roy.* 6,41), in the "Calendar of the freehold and substantial inhabitants, etc., under "*Nidderdale*, Anthony Render, Bayliff," appear these names:—"WILLIAM BAYNE, John Horner of *Sykes*, gen., WILLIAM BAYNE of *Thwaite House*." [The first William Bayne was of *Sykes Grange*.]

In '*Fountains Call Book*, Mar. 31, 1668 (*Stud. Roy.*, 6,39), occur the names of "HENRY BAYNE de *Thwaite House*," and "WILLIAM BAYNE," either of *Thwaite House* or *Sykes Grange*.

In "*The Order for keeping the Court Leete att fountaines* for the Liberty thereof, held at the Hall of pleas within the Abby of fountaines, upon the 4th day of April, 22 Car." [1670], under '*Nidderdayle*' occur the names "WILLIAM BAYNE," and "WILLIAM BAYNE de *Thwaite-house*," the former being of *Sykes Grange*.

In *Subs. Roll*, $\frac{210}{409}$, 24 Car. II. [1672], *Hearth Tax*, for a copy of which I am indebted to the Rev. J. W. Darnbrough, we find under '*Fountaines Earth*,' "WILLIAM

BAINÉ, 3 : RICHARD BAINÉ, 1 : WILLIAM BAINÉ, 2"—one of the Williams being of *Sykes*, the other of *Thwaite House*, and Richard of *Low Lofthouse*.

In the *Fountains Call Book*, 1695-9 (*Stud. Roy.* 6,39), under 'Cur. Lete sive visus ffranci plegij, 1 Ap., 7 Will 3, 1695," occurs under '*Fountains in Netherdale*,' WILLIAM BAINÉ, who may either have been of *Sykes Grange* or *Thwaite House*, but probably the latter.

In the *Middlesmoor Registers* are the following entries:—

"*Sikes Grange*, WILLIAM, son of WILLIAM BAYNE, bap. 22 Dec., 1700."

"*Sikes*, WILLIAM BAYNE, bur. 8 July, 1701."

It was evidently WILLIAM BAYNE the father who was buried, because in the *Manor of Fountains Call Book* 1701 (*Stud. Roy.*, 639), under "Cur. Lete sive visus franci [plegij], 1 April, 13 Will 3, 1701," we find WILLIAM BAYNE; RICHARD BAYNE marked 'ess'[oined], whom we know to be of *Low Lofthouse*; RICHARD BAYNE struck out with a pen; *William* BAYNE, in which the *William* has been struck out with a pen, and the word 'Widdow' written over it; and on the right-hand margin the letter 'd' for 'dead.' Now, we know that the William who was dead was William of Thwaite House, whose Will was proved 23 May, 1699, and that William of Sykes was *not* dead. Therefore, the first WILLIAM named was WILLIAM BAYNE of *Sykes Grange*. In *Fountaines Call Book*, 12 Oct.,

1703 to 1709[-10] (*Stud. Roy.*, 6,39), under 'Cur. Lete,' etc., 'Fountains Earth in Netherdale,' we find 'WILLIAM BAYNE' marked 'ess'[oined] and 'Widdow BAYNE' marked "Jur."[ata], 'sworn.'

The only *widow* BAYNE recorded as *Buried* at Middlesmoor between 1709 and 1756 (when DOROTHY BAYNE, widow, of LIMLEY, was *bur.*), was "*Trope*. ELLEN BAYNE, widw, *Bur.* 4 July, 1714" (*Middlesmoor Regrs*). The Baynes were never at Trope.

It would seem that WILLIAM BAYNE, the son, died unmarried at 23 years of age, as the only WILLIAM BAYNE recorded as buried at Middlesmoor after this, not otherwise accounted for, is: "WILLIAM BAYNE, Batchlor, *Bur.* 10br [Dec.] 7th, 1724." (*Id.*)

We hear no more of the name of BAYNE at *Sykes Grange*, but lack evidence.

SUMMARY AND PEDIGREE.

RADULPHUS (RALPH) BAYN of *Middlesmoor*, 1 Sep., 1593; 1597; July 31, 1606; 16 Oct., 1608; of *Thwaitehouse*, 20 Nov., 1607, to 4 Dec., 1618; of RIPPON, Sep. 30, 1609, and 6 June, 1613; of *Newhouses*, Jan. 24, 1609-10, to June 6, 1613, when he sold the 3000 years' Lease of Newhouses to Walter Bayne of Limley; of the *Morehouse*, 18 June, 1618, when he bought a frechold estate at the *Sykes* from

William Servant ; of the *Sykes* or *Sykes Grange*, Dec. 4, 1618, and (probably) 22 June, 1620.

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WILLIAM BAYNE, of *Sykes Grange*,=(?) ELLEN BAYNE, widow, of
 1664; 1666; (?) Mar. 31, 1668; | *Trope, Bur.* 4 July, 1714."
 4 Ap. 1670; 1672; (?) 1695; *Bur.*
 6 July, 1701, at Middlesmoor.

WILLIAM BAYNE
 of *Sykes, Bap.*
 Dec. 22, 1700;
Bur. Dec. 7, 1724;
 Died a Bachelor.

CHAPTER XIII. (PART I.)

§ I. BAYNE OF *OVER ASHHEAD*.

IN the “*Valor* of the scite and demanes with the graunges late in the occupation of the saide late Monastery of Fountains; and also the *Valor* of dyvers lordshipps, maners, lands, and tenements, which were parcell of the lands belonging to the same late Monastery, with the Valew of the Woods growing upon the same.” “Dated 9 Sep., 32 Hen. VIII. 1540,” which was first published by J. R. Walbran (*Memor. of Fountains*) from the MS. at Ripley Castle, and afterwards as far as regards Masham Parish by John Fisher (*Masham*, 1865, 8vo. Append. No. 45, pp. 507-514.) occurs the following entry :

Over Ashehed, Parcell of Pott Graunge aforesaide :—

JOHN BANE holdith a tenemente callid *Overeshed*
with edificez, garthers, and garthings adionyng ... iij.s. iiij.d.

A close of medoo called *West Ing*, cont. by estimacion xij acres ... xij.s.

A close of medoo called *Este Ing* cont. by estimacion viij acres ... viij.s.

A close of pasture callid *Cauf Faw* [? field] contenyng by estimacion v acres ... iij.s. iiij.d.

A close of medoo callid *New Close*, conteyninge by estimacion iij acres ... iij.s. iiij.d.

A close of pastore callid *Cow Close*, conteyninge by estimacion x acres ... iij.s. iiij.d.

In all with common of Pasture upon *Come Fell*,
without stynt, by yere xxxij.s. iiij.d.

It would seem from the following entry, when HUMPHREY BANE pays his gressam (*see* p. 231, above) or Fine on succession, that *Over Ashead* was 'Tenant Right' and that JOHN BANE died in 1566.

In "*A Booke of Receptes for Anno 1568*, By me Wm. Baron for the use of my maister Sr. Thomas Gresham, Knyght" (*Stud. Roy.*, 4,22) occurs this entry: "*Ashehed*. Received the 26th Aug. of HUMFREY BAYNE for 2 yeares rente due at Mychaelmas nexte, 5*l.* 7*s.* 4*d.*" This seems to have been his gressam.

In "*An Old Survey of parte of the lands belonging to Fountains*," not dated, but almost certainly made in the year 1574 (*Stud. Roy.*, 3,19) is the following entry:

Asshe head. HUMFREY BAINE holdeth one tenemente there called *Over Assshehead* wth a backe house and pete house. A gardyn and a curtilage adjoynynge cont. by est. di—Acr.

The same Humfrey holdeth one medow close there, called *Cawffe Field*, cont. v Acres.

The same Humfrey holdeth one close of pasture called *Stane Close*, cont. xi Acres.

The same holdeth one close of medow called *East Inge*, cont. vii Acr. iij Rod.

The same holdeth one medow called *New Close*, cont. vj Acr. i Rod.

The same holdeth one medow called *West Inge*, with a Cowhouse on the west syde cont. xvij Acr.

The same holdeth one pasture called *Cowclose*, cont. xxij Acr.

Sum of all the grounde in the tenure of the said HUMFREY BAINE lxx Acr.
Medow xxxvi Acr. Pasture xxxij Acr.

I make the sum 69 acres 2 roods, '*di—*' standing for $\frac{1}{2}$.



In a "*Survey of Fountains Lands*, 16 Eliz." and marked "No. 2." "The Survaie taken there the 20th daye of August, A^o Dni 1574," (*Stud. Roy.* 4,26) is this entry :

"*Overashed.* HUMFFRYE BEANE holdeth by a bill of Mr. Stringer's hand the freme of *Overashedd* parcell of Pott Grange, and hath paid his fine for the same, as appeareth by an acquittance for the receipt of 12*l.* 10*s.*, by Marmaduke Beckwith the 20 of April anno Eliz. Regine xj^o [1569], but no mencion when the same lease for 21 yeres should begin. Paying yerely for the same and for lands in *Potte* 53*s.* 4*d.* ; bone money, 4*d.*"

In "*The accompt* of Henry Jenkingson and William Singleton of and for all mannor of Rents, fermes, som and sommes of Money by them receyved of the Landes and Revenewes of Sr. Thomas Gresham Knight w^{tin} the co. of York for one whole yeare ended at the feast of St. Martyne the Bishop in Winter [11 Nov.] A^o Eliz. xvii., and A.D. 1575." (*Stud. Roy.* 3,15) appears this entry :

"*Overashedd* lett to HUMFRY BEAN at xls. per an^m."

"*Bound Silver or Bind Money.* rec^d of the tennants hereunder mencioned, viz. : ISABLE BEAN, 4*d.* ; HUMFRY BEANN, 4*d.*"

In an old *Book of Accounts*, 1540 to 1677, belonging to the Churchwardens of Masham, of which John Fisher has given Extracts (*Masham*, Append. F. pp. 580-7) there appears this entry (p. 582) :

"A.D. 1572. Received of John Horsman for not standing as Churchwarden xij*d.*, of Christopher Walker for the same xij*d.* of HUMPHREY BAINE for the same xij*d.*"

It appears from the Will of JOHN BAYNE of *Riggs*, dated Ap. 27, 1595, and the Probate of the same, dated 15 July, 1595, that HUMPHREY BAYNE was still living at that date. He either died and was *bur.* at Masham before the *Registers*

commence (1599) or he went to *Harefield* and married again. The probability of the marriage of HUMPHREY BAYNE of *Harefield* (which *see*), Nov. 11, 1600, being a second marriage is suggested by a clause in his will "that my ^{sd} wife shall not pass away my ^{sd} farme to any but my children." If they were her children why should she? By her he had only one registered child, a daughter named JAINE. Therefore, though HUMPHREY BAYNE was the first at *Harefield*, and we have no evidence of the presence of HUMPHREY BAYNE at *Ashead* after 1575, but know that he was living 15 July, 1595, I have not gone so far as to bring *Harefield* into the story at this point, but have placed it by itself in order of date, leaving the question open.

If HUMPHREY BAYNE was still living at *Over Ashead* 15 July, 1595, it is certain that he had left or died before 1601 when CHRISTOPHER BAINE was living at *Ashead*, as we shall see.

Much stronger is the evidence that he had three sons : (1) CHRISTOPHER BAYNE of *Eshead*, Aug. 29, 1601, 1604, Feb. 1, 1606-7 ; (2) ROGER BAYNE of *Somerside* which is close to *Ashead* on the opposite side of a narrow dale ; and (3) JOHN BAYNE of *Riggs*.

We know from his will that JOHN BAYNE of *Riggs* had a father named HUMPHREY, a brother named ROGER, and a son named HUMPHREY ; and that this son HUMPHREY was a *Recusant*. We know that CHRISTOPHER BAYNE of *Eshead*

was a Recusant, 1604, and had a son named CHRISTOPHER also a Recusant, 1604. We know that CHRISTOPHER BAYNE of *Woodale* of unknown origin, but who came there between 1609 and 1621, was with his 3 sons, MARMADUKE, HUMPHREY, and CHRISTOPHER, also a *Recusant*. Therefore this CHRISTOPHER must have come from a family of Recusants, which excludes all the protestant families. The last evidence of the BAYNE family at *Ashead*, is the *Bap.* of DOROTHEE daughter of CHRISTOPHER BAINE of *Eshead*, Feb. 1, 1606-7 (*Masham Registers*). Neither the *Burial* of the Elder or younger Christopher is registered at Masham, whence it appears that they had left *Ashead*.

In the *Masham Registers* occur the following entries :

"1601. *Eshhead*. WILLYAM the sonn of CHRISTO : BAINE baptized the 29th day Augustij" [*sic*].

"1606-7. *Eshhead*. DOROTHEE the doughter of CHRISTOPHER BAYNE, *bapt.* the first day ffebruarij." [*sic*].

These serve to show who the following were. In *A List of Roman Catholics in the co. of York in 1604* (by Ed. Peacock, Lond. 1872, 4^o, printed from Rawlinson MSS., B, 452, Bodl.) is the following entry (p. 74) :—

"*Massam parishe*. XROFER BAINE, yeoman, MAGDALEN his wife, XROFER BAINE his sonne, Recusants for the space of two yeares last past." The argument stands thus : istly, CHRISTOPHER and MAGDALEN were evidently the parents of CHRISTOPHER, WILLIAM, and DOROTHY. Now

at his death in 1629, CHRISTOPHER BAYNE of *Woodale* had 3 sons: (1) MARMADUKE (who was married in 1624 and had a son named CHRISTOPHER who was *Bap.* at Masham, 12 Sep., 1626), (2) HUMPHREY a minor in 1628, and (3) CHRISTOPHER; 2ndly, ROGER BAYNE of *Somerside* had a son named HUMPHREY, and 3rdly JOHN BAYNE of *Riggs* had a son named HUMPHREY.

There is therefore established a very high probability that CHRISTOPHER BAINE, Jr., Recusant, of *Over Ashead*, 1604, was the same person as the CHRISTOPHER BAYNE who took an assignment of $\frac{1}{3}$ of the 3000 years' Lease of Woodale from ROGER BAYNE the husband of Ursula Barton—so high that I can entertain no doubt that this was so.

Then, though we lack direct proof, the fact is so nearly proved that I have not hesitated to place the account of this CHRISTOPHER BAYNE and his descendants at *Woodale* here. In the Pedigree he therefore appears as the grandson of HUMPHREY BAYNE of *Over Ashead*, the nephew of ROGER BAINE of *Somerside*, and of JOHN BAYNE of *Riggs*.

§ 2. BAYNE OF *Woodale*, II.

A. *Introductory.*

WE have seen that ROGER BAYNE of *Woodale*, after acquiring the 3000 years' Lease, 26th September, 1609, assigned (by some Deed which I have not seen) $\frac{1}{3}$ of the Estate secured by the Lease to one CHRISTOPHER BAYNE.

Walbran was mistaken in saying that the name of the father of this Christopher was Marmaduke (*Memor.* I. 346, *note*). The name of CHRISTOPHER BAYNE appears under 'Steanbeck Up' in the *Subs. Roll* of 1598, in succession to that of ROGER BAYNE in the two *Subs. Rolls* of 1597. Whence I conclude that it is more likely that the present CHRISTOPHER then became the tenant of ROGER at *Woodale*, than that the CHRISTOPHER of 1598 was ROGER's father. The Assignment to Christopher of $\frac{1}{3}$ of the Estate took place between the date of the 3000 years' Lease and March 30th, 1621, when ROGER BAYNE sold the other $\frac{2}{3}$ of *Woodale* to Christopher Beckwith.

The name of the WIFE of this CHRISTOPHER BAYNE of *Woodale* is unknown. They had three sons: 1.—MARMADUKE, 2.—HUMPHREY, 3.—CHRISTOPHER; and the father and sons were all Roman Catholics, or as they were called *Popish Recusants*. This led to their being repeatedly summoned before the Ecclesiastical Court, which in this case was the Court of the Peculiar Jurisdiction of Masham.

As a considerable part of the evidence for the present work is drawn from the Records of this and other Courts, it will greatly assist the reader to here interpolate a brief sketch of the Ecclesiastical Jurisdiction as it existed in England on Oct. 14, 1685, or two years and a quarter before the death of Charles II. This sketch is drawn from a Latin work entitled: "*Angliæ Notitia, sive præsens*



Anglie Status succincte Enucleatus," etc., Oxonii, 1686, 16°.

By Thomas Wood (nephew and pupil of Anthony), of New Coll., Oxon.

B. *De Regimine Ecclesiastico.*

England was divided into two Provinces, respectively, under the two Archbishops of Canterbury and York.

These two provinces embraced 9300 Ecclesiastical (9725 civil) Parishes, of which 3845 Livings were appropriate, that is, had formerly belonged to monasteries, and on their subversion were made lay fees. 57 of the above Parishes were *Peculiars* belonging to the Diocese of Canterbury, but Wood does not mention that there were any *Peculiars* belonging to the See of York, or any other *Peculiars* than those belonging to the Diocese of Canterbury (pp. 9, 10, 11). The Prebend of Masham was a *Peculiar*, and held at one time at least by a Lay Prebendary, and the Prebend was farmed by Sir Roger Beckwith. In the *Liber Regis, vel Thesaurus rerum Ecclesiasticarum* (by John Bacon, Esq., Receiver of the First Fruits, Lond. 1786, 4°) it is thus described under 'Diocese of York': (p. 1162) "D[eanery] RIPON cum Massam. A Peculiar jurisdiction." On the same page we also find: "*Middlesmoor*," chapel to Massam in Deanery of Catterick, in CHESTER DIOCESE. A Peculiar of the Dean and Chapter of York."

The highest of the *Ecclesiastical Courts (Fora)*, which



derived their Jurisdiction from the Crown, was the *Court of Delegates*, which heard appeals from the *Court of Arches*. Next came the *Audience Court*, which is the first to interest us; as it granted *Marriage Licenses*. Then the *Prerogative Court*, which dealt with the Administration of hereditaments disposed of by Will, or descending without a Will, when the deceased, at the time of his death, possessed goods to the value of 5*l.* in more than one diocese. The Archbishop of York claimed these two last Courts with like authority (p. 83). The *Court of Peculiars* (*Peculiarium forum*), overlooking its 57 Parishes as its peculiar jurisdiction, also conferred no small immunity from the castigations of the Bishops.

The *Peculiar Court of Masham* certainly exercised the functions of the *Prerogative Court* of the Archbishops, in granting Probates of Wills and Administrations, and, as we shall see, the functions of the *Holy office*, or *Inquisition*.

Then, there were the *Bishops' Courts*, held in the Cathedral Church of each Diocese, the Judges being styled Chancellors (*Cancellarii*). In the larger provinces there were added to the Judge *Officials* (*Officiales foranei*), who elsewhere acting as Arbiters (*Arbitri*) of certain causes take upon themselves the functions of the *Consistory Court* (*Consistorii Curiam agnoscunt*). To this extent the Archdeacon, and every Chapter, may sit for its Tribunal. Of this we have had instances (pp. 145, 146, 193, 195, above)

in the case of the *Chapter* of the *Collegiate Church* of *Ripon*.

The causes that set these Courts in motion might be *Blasphemy*, *Apostacy*, *Heresy*, *Schisms*, Ordinations, the Institutions of Clerks to Benefices, *the celebration of Divine Worship*, the *Laws of Matrimony*, Divorce, *alleged bastardy cases* (*Natalium infamia*), *Tithes*, *oblations*, Revenues (*obventiones*), *mortuaries* (*Mortuaria*), or gifts paid to a parson at the death of a parishioner, Dilapidations, *Proofs of Wills* and *Administrations*, Simony, Incest, *Adultery*, Procurations¹ etc., all of which altogether evaded the authority of the Municipal Law (Wood, *Ang. Not.*, p. 84).

The *Punishments* at the disposal of these Tribunals were, 1st: The *Lesser Excommunication* (*Minor Excommunicatio*) or exclusion from the Church or from the Eucharist, which entailed a further unwritten punishment, too obvious to mention. 2nd: The *Greater Excommunication* (*E. major*) which was reserved for Heretics, Schismatics, and other monsters. By it all intercourse with Christian men was prohibited, and if within 40 days the excommunicated had not made a Public declaration of Penitence in Church, the Squalors of gaol were employed to break his pertinacity.

¹ 'Procuraciones.' In *Sing. Procuratio*, Power to act for another; also 'cibus, ferculum; quodvis convivium' (Du Cange) i.e., food, a banquet; hence, 'a composition in money paid to an Ecclesiastical Judge for the Entertainment, otherwise to have been *procured* for him at his Visitation'. (Bailey *Dic.*)

The *Interdict* suspends celebrations of Divine Worship and applies either to some special place or people.

Those guilty of Felony, and Suicides, and *Heretics*, were denied Christian burial (*funera Christianos decentia*). The *Masham Peculiar Court Act Book* contains cases.

Public Penance (*Publica Pœnitentia*) extorted a public confession in Church. Of this we have instances. The Penitent, barefooted, was covered with a white cloth, and holding in his hand a rod (*Virgam*) implored pardon and the prayers of the people, and professed his contrition and grief of mind before God and the other Inhabitants of Heaven. This (Public Penance) was, however, sometimes excused on payment of a small sum of money for pious uses. (*Ib.*, p. 85.) Of this we have instances.

The above is the account of the *Regimen Ecclesiasticum*, as drawn from Wood.

It is customary to say that we never had the *Inquisition* in England. Let us then compare with the causes that moved the above *Ecclesiastical Courts* in England, those that set in motion the *Holy Office*. The Holy Office (*Sanctum Officium*) was the name of an Ecclesiastical Tribunal established in the 13th Century, by Popes Honorius III., Gregory IX., and Innocent IV., to try *Heretics*, *blasphemers*, *apostates*, relapsed Jews or Mohammedans, witches and wizards, polygamists, etc. The Judges were called *Inquisitores*—an old name found as early as



Theodosius I. (A.D. 379 to 395). About the year 1233, Gregory IX. laid down the rules, and defined the jurisdiction of the Inquisitors' Courts, which he sent to various countries under the name of Inquisitorial Missions. What have we in the records of our own Ecclesiastical Courts but *identically the same Articles* as are found in the Records of the Inquisition? Then, touching the general name of the Courts. We found (p. 146 above) in the extract from the *Ripon Chapter Acts*: "Impetitur Officio," 'It is charged by the *Office*,' that is by the *Holy Office* (*Sancto Officio*). Again, the Heading or Title of each case in the Act Books of the *Peculiar Court of Masham* is the formula: "*Officium Domini contra*," A.B. or C.D. 'The Office of the lord against' A.B. or C.D. That is the Ecclesiastical *Court* against, etc. *Dominus* of course meant the President of the Peculiar Court, the Farmer of the Dissolved Prebend or his substitute, as we find "*Dominus injunxit eidem*," 'the lord enjoined him,' *i.e.*, 'the President enjoined him.' [As however a certain *literatus* has made a marginal note on the proof of this chapter against the word 'lord' (twice occurring immediately above), "L. or I," I will add another proof of the correctness of this view. Printed forms of Probate were used by the Masham Peculiar Court during the period when the Peculiar and Spiritual Jurisdiction of the dissolved Prebend of Masham was farmed by Sir Roger Beckwith, Bart. The Probate of the Will of John Craven

of Studfold, dated 20 Sep., 1686, runs thus: "In Dei Nominē, Amen. Admissis probationibus, etc., coram discreto viro Johanne Place, Clerico, substituto sive surrogato nostro, Nos Rogerus Beckwith, Baronettus, *Dominus* proprietarius sive firmarius jurisdictionis peculiaris et Spiritualis dissolutæ nuper Prebendæ de Massam legitime fundatus approbamus," etc. Sir Roger was the 'Dominus' but he in all probability never saw or heard of the Will or probate, the latter of which is signed "Robertus Oates, Notarius Publicus," and all the work was actually done by John Place, Clerk, his substitute or surrogate. Therefore it is quite accurate to say that *Dominus* of course meant the President of the Peculiar Court, the Farmer of the Dissolved Prebend or his Substitute]. Again, the phrase "for that they are *vehemently suspected* to have," etc., which commonly occurs in the Charges (*e.g.*, *Act Bk. "2,"* p. 18, *Court at Middlesmore*, 15 ffeb., 1620,) is found in Papal Bulls, *e.g.*, *Bulla* S.D.N. Pauli Quinti, 4 Sep., 1606 (*Lit. Apost.* . . . Societatis Jesu. Romæ, 1606, 12°, p. 315,) where we read, "*ut qui vehementer suspecti* de," etc., 'that those who are *vehemently suspected* of,' etc.; again, in the first of the following extracts (from p. 42, *Act Book 2*) we find the words "inqs. mei Thomae Squier notarii publici," where 'inqs.' stands for "inquisitione." 'By the *Inquisition* (*i.e.*, enquiry) of me Thomas Squier, Notary Public,' whence it is not possible to retain any

reasonable doubt that the names 'Officium' and 'Inquisitio,' with the subjects of which they treated, came down through our Ecclesiastical Courts from the parent source or *Sanctum Officium* of Honorius III. and Gregory IX.

About 51 years after the Rules of Gregory IX. defining the *Jurisdiction of the Inquisitors' Courts* (1233), the first English Statute on the same subject, that is to say, the *Jurisdiction of the Ecclesiastical Court* (*Stat. circ. ag.*, 13 Ed. I., 1284-5) was passed. This was the first of five Acts passed within the next century, regulating the Jurisdiction as to *penance*, churchyard, *mortuaries*, tithes, pensions, breaking of oath, *oblations*, sale of corn by clergy, and when restrained by the King's Prohibition. The other Acts were *Stat. de Consult.*, 18 Ed. I. (1289-90); 9 Ed. 2 (1315-16) Stat, I., c. 1, 2, 5, and c. 6, provided for the concurrent jurisdiction of temporal court in certain cases; 45 Ed. III., c. 3 (1371); and 50 Ed. III., c. 4 (1377). Then follows a long gap, the next under this head being 13 Chas. II., c. 12 (1661).

The Statute, 2 Henry V., Stat, I., c. 3 (1413), refers to the Delivery of the *Libel of Citation*; and 23 Hen. VIII., c. 9 (1531), to *Citation* of persons out of Diocese. The last Act which it is necessary to mention, is 29 Chas. II., c. 9 [1677], in reference to *Heresy*, the Jurisdiction of the Ecclesiastical Court not to extend to punishment of Death. Since then England has breathed.

All this explanation is necessary to understand the *Act Books* of the *Peculiar Court of Masham*, but some more detailed account of particular charges is still needed to understand, or rather, to prevent a misunderstanding of, the numerous charges directly or indirectly connected with the subject of Marriage, which appear in the *Act Books*.

First, however, I must say a few words on the *Act Books* themselves, premising that :—

“The practice of granting licences for marriage in England was coeval with the introduction of publication of banns. By the Early English Canon Law, the publication of banns or a marriage license was a condition precedent to the celebration of a *regular marriage in facie Ecclesiæ* (see Canon 8 of the *Westminster Canons*, A.D. 1200. Johnson, *English Canons*, Pt. II.) Prior to the Reformation a marriage in this country being held to be a Sacrament, the Ecclesiastical Courts had no Jurisdiction to dissolve it. But the Star Chamber, early in the reign of James I., ruled the contrary. . . . The *Canons of 1600*,” etc. (Dr. Tristram, Q.C., Chancellor of the Diocese of London, speech as President of the Consistory Court of London, in St. Paul’s Cathedral, May 3, 1895).

The *Council of Trent*, convoked by Pope Paul III. in 1542, sat till 1563, and passed many Canons which were confirmed by the Pope’s Bull in 1564. The *Constitution of*

Trent first made marriage a religious ceremony. In the opinion of Lord Stowell (who presided in the Consistory Court of London for 30 years), it was not necessarily so in England, prior to what Dr. Tristram calls the first Ecclesiastical Marriage Act, Lord Hardwicke's Act of Geo. II., 1753 (26 Geo. II., c. 33, *Clandestine Marriages*). In England, *Marriage by mere consent of parties* constituted a binding engagement until the passing of this Act, though, if application were made to the *Ecclesiastical Courts* for Letters of Administration, etc., under a Title derived from such irregular marriage, those Courts sometimes refused to grant them. (*Encyc. Britan.*, 8th Ed.: Chas. Knight, *National Cyclop.*). Chas. Knight adds, that Marriage in England has not necessarily been a religious ceremony since the Reformation, so that if Lord Stowell and he are both right it has never been so. The first entry in the *Act Books* of the *Peculiar Court of Masham* is dated 16 July, 1583, or twenty years after the rising of the *Council of Trent*, and nineteen years after the ratification of their Constitutions by the Pope. The first series of ACTS, which I examined throughout, is contained in "*Register Book No. 1*," up to about p. 65, after which, this book is full of Register Copy Wills. There is a "*Register Book, No. 2*," all WILLS. Then there is another Book, entitled "*Masham Court Book*, from 1618 to [blank] No. 2." On the cover under this is written "Thomas Squire

N[otary] p[ublic].” It has 296 numbered pages. Most of the cases entered in the *Masham Act Book* (No. 2), have a marginal note against the heading: “*Super actu compnis*, or *compis*,” The last word is never written in full, but, there can be no doubt that it stands for ‘comparutionis,’ as we find in French the word “comparution (a law-term) ‘appearance’ in a Court of Justice.” Sometimes the words ‘*Super actu compnis*’ are not followed by any further note, but when they are, the formula is “*Quo die*” with or without a date “*comparuit*” A. or B. ‘on which day appeared’ A. or B., after which follows a record of what was done in the case. So that the words ‘*Super actu compnis*’ seem to denote ‘On an Act of Appearance,’ that is, that a summons to appear had been issued under an order of the Court. The ‘citation’ to appear is sometimes separately mentioned. One thing to be noticed in passing through this Court book, No. 2, is that the records of the dated Courts are not consecutive, but, having reached a certain year, the next court may drop back five years and then go on regularly for a few pages from that date. Moreover, the book seems to be all in the same handwriting. Again, it is often impossible to determine the date of an entry. On the other hand, it is true that there are literal annotations, such as “Ext” for ‘Excommunicated,’ etc., etc., in another hand, which would seem to prove that this was the original Record of the Peculiar Court. But the

want of sequence in dates could not have arisen on the supposition that the entries were made as the events arose, which seems to me to prove that this Book, No. 2, is a Register Book of the Acts of the Court in which the records were entered from various bundles of Rolls, under the several heads of Massam, Kirkby Malzeard, and Middlesmore, which the writer had not troubled himself to arrange in order of date, the Rolls themselves being sent (?) to York.

The first Act on the English Statute Book relating to *Marriage* is 25 Hen. VIII., c. 21 (1533), *Special Licence* for Marriage. The next is 28 Hen. VIII., c. 7, s. 7, and c. 16 (1536), *Prohibited Degrees of Affinity*. There are sundry others, but the next that interests us is 6 and 7 William and Mary, c. 6, s. 47 (1694-5), *Restraint of Marriage unless after banns or licence*. This proves that prior to the date of this Act, such marriages were legally valid in England under the Statute Law. On 7 March, 1621, we find RICHARD BAINE and his wife, and ROBERT BAINE and his wife, both of Grewelthorpe, charged before the *Peculiar Court* of Masham, "for being married in *Middlesmore* parishe without bannes askeing." At a later Court, 13 July, 1624, the same charge repeated was "for being marryed without license or baines askeing, furth of their owne parish church." At the same Court, "MARMADUKE BAINE of *Woodaile* and MARGARET his present wife . . . CHRO: BAINE of *Moorhouse* and ELIZABETH his present



wife, for being marryed clandestinely without license or baines askeing furth of their parish church." Yet, there was no offence under the Statute Law till the Act of 1694-5. The *Masham Peculiar Court Act Books* are very largely filled with charges of fornication, adultery, and irregular and clandestine marriages, these marriages being perfectly valid under the Civil or Customary Law of England at that time. The old civil marriage, the only evidence of which was the testimony of witnesses, though legally binding, was not more binding than the good faith of one or both parties chose to make it. The object of the Ecclesiastical Courts evidently was to make marriages more binding. This explains the lines in the Ballad, "Once I loved a maiden fair," *temp.* James I. :—

"Sure the *church* would bind a knot
Ne'er to be divided."

(*Old English Ditties*, W. Chappell and J. Oxenford, 4to, N.D.)

After the Reformation, we have evidence of a determined crusade by the Protestant Clergy against the old system. Further, the new Clergy strove to enforce compliance with certain forms. The parties must be married in their own Parish Church by banns or licence, whereas, from instances to be found in the *Masham Act Books*, it seems to have been previously sufficient to drive a cart into a field and for parties to be married therefrom, or anywhere, perfectly legally, up to that time, without banns or license, provided

it was in the presence of witnesses, whose verbal testimony was complete proof of the marriage. No documentary evidence was required. The ring was the only visible gage. 'There are numerous instances of such irregular (as they were held to be under the new Ecclesiastical *Régime*) marriages; and in the charge the phrase 'his alleged wife' or 'his supposed wife' is used. "Suspicion of fornication before marriage" is one of the commonest charges, and seems to have been part of the former system of life, to be extirpated by the new *Régime*. Most, if not all, the names of the residents within the Jurisdiction of the Peculiar Court of Masham appear in the *Act Books*, on one or other of these charges.

C. Extracts from *Act Book*, "No. 2" (*orig.*) of the *Peculiar Court* of Masham, falling within the lifetime of CHRISTOPHER BAYNE of *Woodale*, the father of MARMADUKE, HUMPHREY, and CHRISTOPHER.

(P. 37) *Middlesmore*. Court(?) 16 Dec., 1623.

Officium dni. contra Phillippum Shawe et ejus uxorem . . .
CHRO. BAINE, MARMADUCUM BAINE, etc. . . . popish recusants.
Excommunicated.

(See also under MIDDLES Moor and RIGGS, and MOORHOUSE).

(P. 42.) [P Court, 13 July, 1624.] *Middlesmore*.

"Officium dni contra Johannem Briggs, etc. . . . MARMADUCUM
BAINE de *Wooduile*, et MARGARETAM ejus presentam uxorem . . .
CHRO: BAINE de *Moorehouse*, et ELIZ. ejus presentam uxorem for being
married clandestinely without license or baines askeing furth of the
parish Church. *Super actu Compis*. Quo die, 18 Dec., 1626. coram

discreto viro Edwardo Watson, clericus [*sic*], M.A., comparuit personaliter dictus Briggs," etc.

(P. 43.) "6 Oct., 1629, coram venerabili viro Andrea Agar, LL. B., inqs. mei Thomae Squier, Notarii publici, comparuit personaliter dictus MARMADUCUS BAINÉ pro se et uxore sua et judicialiter confessus est [*i.e.*, M. B. appeared personally for self and wife and judicially confessed], that he and the said Margaret his wife were clandestinely married together forth of their parish church by a minister in holie orders, and in the presence of divers credible persons, without baines askeing or dispensacon [*i.e.*, a licence] at quoad premissa submisit se dno. judican[dum] ac petiit beneficium absolutionis sibi et uxori suae impendi, unde dominus ad ejus petitionem etc. se ad cautelam usque ad et in proximam curiam tenend[am] apud Massam vel Kirkby Malzerd post festum Nativitatis dni. jam prox[ime] futur[um] ac decrev[it] eis literas testimonial[es]. Ulter[ius] dnus. injunxit ei ad proband[um] matrimonium suum die juridico prox. preceden[te] et tunc ad interessend[um], etc.," "but upon the premisses he submitted himself to the president to be judged, and sought the benefit of absolution to be meted to himself and his wife, wherefore the president at his petition, etc., decreed that they should give securities [for their appearance] up to and against the next court, to be held at Massam or Kirkby Malzeard, after the Feast of the Nativity of our Lord, now next to be, and decreed for them *Letters Testimonial*. Further, the President enjoined him to prove his marriage on the court day immediately preceding [the one appointed above] and then to take personal interest, etc."

(P. 55.) Midlesmore [? Court, Mar. 18, 1624].

"Officium dni. con. Johannem Briggs de lambe close et annam ejus presentam uxorem MARMADUCUM BAINÉ de *Woodaile* et MARGARETAM ejus presentam uxorem, Johannem Spence de *Studfull* et Margaretam ejus presentam uxorem for being marryed without their parish without license or barins askeing. *Super actu Compnis.*"

(P. 66.) "23 Feb., 1625, in Eccl. paroch, de Kirkeby Malzerd . . . coram discreto viro Edwardo Watkinson.

Midlesmore (p. 69). Offic. dni. con. . . . MARMADUCUM BAYNE et ELLENAM ejus uxorem being popish recusants. *Super actu compnis.*"

I do not know who this MARMADUKE can have been, unless Ellen is a mistake for Margaret, which is very likely, as there is a similar mistake with regard to the name of the

wife of Richard King, for which see under SOMERSIDE below.

P. 70.) *Middlesmore*, 23 Feb., 1625. In Eccles. paroch de Kirkeby.

"Offic. dni. con. . . . CHRO: BAINE de *Woodale*
MARGARETUM HARDCASTLE vid. de *Hearfeild* . . . being excommunicate persons and for not receiving the holy communion.

Super actu comp., 23 Feb., 1625, comp^t personaliter ac confessus (appeared personally and confessed) that he did not receive the coion [communion] at Easter. 31 March, 1626, comp^t personaliter Richus. Broadley, etc.¹

(P. 74.) 13 Sept., 1626, in Eccles. par. de Kirkby Malzerd.

Offic. dni. con. WILLIELMUM BAINE (18d.), Petrum Craven (5d.), MARMADUCUM BAINE (9d.), Johannem Craven de Trope, etc., presented for not payne of their Cessemsts.

Super actu compnis. quo die preconizat[o] dcis defenden[tibus] et nullo modo comparen[tibus] ideo excommunicati sunt. 17^o die Januarij. 1627[-8], coram ven^{li} viro Andrea Agar, LL.B., commissar[io], etc."
'Which day being foreknown to the said defendants, and they not appearing in any way, therefore they were excommunicated.'

The WILLIAM BAINE must have been of *Limley*, at least I have no evidence of the existence of any other William within the Chapelry of Middlesmore at this date, and the amount of the 'cessment' or church-rate points to *Limley*. See under LIMLEY.

Middlesmore.

(P. 86.) "Officium dni. con., Thomam Yeoman, CHRISTOFERUM BAINE et HUMPHRIDUM BAINE minorem [a minor] de *Woodale*, being popish recusants. *Super actu compnis.* die Mercurij in septimana Assizarum sexto, viz.: 6 Aug., 1628, comparuit personaliter dictus CHRISTOFERUS BAYNE, cui dominus presentiam tum objecit quod negavit de (?) veridico ac petiit beneficium absolutionis sibi impendi unde dominus ad ejus humilem petitionem eum absolvit a sententia excommunicationis alias in eum lat[a], ac decrevit ei literas testimoniales super hujusmodi absolucione ac injunxit ei ad recipiend[a] sacramenta divina et monuit eum

¹(P. 88.) 11 January, 1626, Richard Broadley, curate of Middlesmore.

(P. 92.) 6 Nov., 1627, summoned for marrying Chro: Beckwith and Maria Beckwith clandestinely and without licence.

ad certificand[um] de receptione earundem sub manibus ministri et gard[ianorum] de *Kirkby Malzerld, Massam, vel Midlesmore* proxima Curia tenenda apud Massam vel Midlesmore proxime post duodecimam diem Angusti instantis."

"See the recusants entered before, being the same that were presented in May, 1626."

'On Wednesday, the sixth day in the week of the Assizes, viz.: 6 Aug., 1628, appeared personally the said CHRISTOFER BAYNE, to whose presence then the President objected, which he denied in sooth, and sought the benefit of absolution to be meted to him, wherefore the President, at his humble petition, absolved him from the sentence of excommunication otherwise given against him, and decreed for him Letters Testimonial in reference to such absolution, and enjoined him to receive the divine sacraments, and warned him to obtain a certificate of the receipt of the same under the hands of the minister and churchwardens of Kirkby Malzerld, Massam, or Midlesmore, and to present it at the next court to be held at Massam or Midlesmore next after the 12th day of August instant.'

Midlesmore, (?) 28 Feb., 1627.

(P. 102.) "Officium dni. con. Christoferum Beckwith, gen., and others . . . CHRISTOFERUM BAYNE et Aliciam ejus famulam [servant], MARMADUCUM BAYNE et MARGRETAM ejus uxorem, Annam Waide ejus famulam, Christopherum smith et Dorotheam ejus uxorem de *Woudall*, being presented for popish recusants." "Ext." "Ab°." [Excommunicati. Absolutio]. "Quo die preconizato dictis promotis et nullo modo [comparentibus] etc., ideo procurator concessit ut in penam Excommunicationis in scriptis xxiiij^o die Nov., 1629, coram Gilberto Horseman." 'On which day foreknown the said names having been set forth and they not appearing in any way, therefore the proctor granted that on pain of excommunication [they should be summoned] in writing, 24 Nov., 1629, before Gilbert Horseman.' The word I have rendered "Procurator" stands "pro^r"; "concessit" "con^{ces}"; "excommunicationis" "ex^l"; after which there are three quasi cryptographs which seem to read "in scriptis" 'in writings.' The passage is obscure. All the defendants were of *Woodale*. The CHRISTOPHER BAYNE was the brother of MARMADUKE.

Midlesmore, 28 Feb., 1627.

(P. 102.) "Offic. Dni. contra Ellenam Gill . . . MARGRET BAYNE nuper uxorem LEONARDI BAYNE, Tristraham Mawde et ejus uxorem, Janam uxorem Johannis Inman, CHRISTOPHERUM BAYNE et

Nicholaum Horner, for popish recusants. Quo die 12 Augusti, 1628, compt. Nich. Horner, etc."

MARGARET BAYNE lately wife [*i.e.*, widow] of LEONARD BAYNE. On p. 197 above, we have LEONARDE, the sonne of THOMAS BAYNE and Dorothe Parkinson his wife, *but* at Pateley Bridge, May 12, 1571. We have also seen (p. 223, above) that on March 18, 1594, there was a young widow named MARGARET BAYNE at Middlesmoor. If these be the same parties, LEONARD BAYNE must have died very young and shortly after his marriage, probably without issue. It will be also seen under GREWELTHORPE, that at courts, 13 July, 1624, and (?) 18 Aug. 1624, MARGARET BAINE, alias Husband, was married to Godfrey Watson. This may have been the same Margaret, her maiden name being Husband.

(P. 108) 18 Dec., 1628, *Middlesmore*.

Offic^m dni. con. Christoferum Beckwith, for harbouring CHRISTOFER BAINE and his wife, beinge excommunicate persons.

"Ex" "abs." [Excommunicatus. Absolutus.]

Super actu compnis quo die preconizato defendenti et nullo modo comparenti ideo excommunicatus. xxiv., vero Novemb., 1626, coram mro Horsman, etc." 'Which day being foreknown to the defendant, and he not appearing in any way, therefore was excommunicated, but on the 24 Nov., 1626, before Master Horseman,' etc. This was evidently CHRISTOPHER BAYNE of *Woodale*.

Middlesmore, [?] court 18 Dec., 1628.

(P. 110.) Offic. Dni. con. CHRISTOFERUM et HUMPHRIDUM BAINE, MARMADUCCUM BAINE, et ejus uxorem, Christoferum Beckwith et ejus uxorem, etc., etc., uxorem ROBERTI BAINE, uxorem LEONARDI BAINE, and ors. for popish recusants and excommunicate persons.

Super actu Comp. Quo die 26 ffeb., 1628[-9] comp^t Chro: Mawer, 29 Jan., 1629[-30], Chro: Beckwith.

Middlesmore.

(P. 172.) O. d. c. . . . CHRO: BAINE et ejus uxorem and ors. for popish recusants and standinge excommunicate about 6 monthes.

[Next Act dated xth Oct., 1634.]

It appears from a Recital in *Newhouses* Deed, "No. 10," 22 Ap., 1669, given under RICHARD BAYNE of *Limley*, below, that Sir John Yorke, Knight, of Gowthwaite, by his Indenture of Lease, dated 21 Aprill, 1 Car. [1625], did demise grant and to ffirmme lett unto Christopher Beckwith, CHRISTOPHER BAYNE of *Woodale*, and seven others, including WILLIAM BAYNE of *Limley*, yeoman, 500 acres of ground, not then inclosed, But since inclosed, and called by the severall names of *Carleside*, *Turner Carr*

and *Newhouse Edge*, with the appurtenances, for the tearme of 3000 yeares. These inclosures were held in common, and it appears from the Will of CHRISTOPHER BAYNE that his share amounted to at least 7 cattle-gates in *Carleside*, and 5 in *Turner Carr*.

D. Will of CHRISTOPHER BAYNE of *Woodale*.

I, CHRISTOPHER BAINE of *Woodall*, in Netherdale, co. Yorke, yeoman,
 first, I give my bodie to be buried in the Chappell at
 Middlesmore. Item I give unto my sonne HUMPHREY BAYNE
 the *West Close* and the house therein, the *Midgheoole*, the *Little Boone*, the
Cow Close head, now in my occupation, nyne cattle gaites in the *Winter-*
side, five cattle gaites in the *Carleside*, and three cattle gaites in the
Turner carr, for and during the tearme of 10 yeares next after my death.
 Item, unto my sonne MARMADUKE BAINE the *Midward close*, as
 it is now devided into 3 several closes, the *Great Boone*, and one close
 lying at the heade of the Great Boone, latlie inclosed from the Cow Close
 head, five cattle gaites in the *Winterside*, 2 cattle gaites in the *Carleside*,
 2 cattle gaites in the *Turner Carr*, and the odds in both these pastures if
 there be any, for . . . my sonne Marmaduke his naturall life con-
 dicionallie my sonne Marmaduke pay unto the lord the summe of
 6*l.* 13*s.* 4*d.* per annum as the s^d rent . . . for the terme of 10 yeares
 next after my death. Item, I give unto my sonne CHRISTOPHER
 BAINE If my sonne Marmaduke Bayne doe not pay unto my son
 Christofer Baine before my death 20*l.* he oweth unto my sonne Christopher
 Baine, All that close called the *Intaike* for and during the tearme of 8
 yeares next after my death. But if that my sonne Marmaduke Bayne pay the
 twentie pounds before my death . . . My Will is that then my
 sonne Christopher Baine shall have the *Intaike* for the terme of 4 years
 next after my death and not otherwise. Item, I give unto my sonne
 Marmaduke Baine all my whole farme and tenement after the expiration
 of the years I have given as aforesaid and during his naturall life. Item,
 I give unto my grandchilde CHRISTOPHER BAINÉ after the death of his
 father Marmaduke Baine and the expiration of the yeares given as afore-
 said my whole farme and ten^t at *Woodall* during the whole terme of three
 thousand years or soe many as is unexpired in the lease, if my said grand-
 childe live unto thee age of 21 years.

And my Will is that if my sonne Marmaduke Baine die without issue
 maile of his bodie lawfullie begotten that then my sonne Humphrey Baine
 shall have my whole farme during the whole lease.

Item, my Will is that if my sonne Humphrey Baine dye without issue

male, that then my sonne Christopher Baine . . . shall have my farme at *Woodall* during all the whole lease.

But if both my sonnes Humphrey Baine and Christopher Baine want issue male then my Will is that the DAUGHTER of my sonne Marmaduke Baine shall have my farme during the whole terme of the lease. *Item*, I make my sonne Humphrey Baine sole Executor.

Hand and Seale 17 April, 1629.

(Sig.) XROFER BAINE.

His testibus, Christopher Beckwith (Jur)[atus], Alison Hodgeson (Jur)[ata].

(Peculiar Court of Masham. *Register Book*, No. 1, 1576 to 1654, p. 344).

From this, I gather that MARMADUKE was the eldest, HUMPHREY the second, and CHRISTOPHER the youngest son. MARMADUKE BAYNE witnessed the Deed of Sale of $\frac{2}{3}$ of the *Woodale* Estate by ROGER BAYNE, 30 March, 1621, for which see p. 248 above. For his *Autograph* see Plate VIII., No. 6. He is the MARMADUKE BAYNE named in the above Extracts from *Act Bk.*, "No. 2," *Pec. Court* of Masham. Then there is an hiatus in the evidence. When and where MARMADUKE BAYNE of *Woodale*, died, I have no evidence to show.

In a List of "Recusants presented by the Minister of Middlesmore," given in *Subs. Roll* $\frac{209}{358}$ 4 Car. I [1628-9] are the following among other names: "*Uxor* BAYNE, 8^d HUMPHREY BAYNE de *Woudale*. [Among] 'Nonconformists,' MARMADUKE BAYNE and his wife."

MRS. OXLEY'S WOODALE DEEDS.

Know all men by these presents, that I, Roger Horner of *Skarhouse*, in Nitherdale, co. Yorke, yeoman, confes myselfe to stand firmly obliged unto John Handley of *Newhouses* in . . . Nitherdale, yeoman, in the summe of eighty pounds, etc. Dated the 5th January, 1656[-7].

The condicion of this obligacon is such that whereas the above bounden Roger Horner hath given and paid five pounds . . . and released and delivered in exchange 4 cattle gates and two third parts of 1 cattle gate in



ye pasture called *Carleside*, to and with the s^d John Handley for and in consideration of sixe cattle gates in the . . . pasture called *Turner Carre* and *Newhouse Edge* as by their Release bearing date with these presents between the s^d partyes at large appears, Now this condicon witnesseth that the s^d Roger Horner dothe hereby . . . grant to and with the s^d John Handley . . . to have hold . . . the s^d cattle gates . . . during the s^d terme of 3000 years, etc.

Sealed signed and delivered in our presence, CHRISTOPHER BAYNE, RICHARD BAYNE, Thomas Horner, Thomas Foster.

Signed, Roger Horner

CHRISTOPHER BAYNE, the witness, was probably the son of Marmaduke Bayne of Woodale, who was apparently deceased at this date. For his AUTOGRAPH *see* Plate XI, No. 30. RICHARD BAYNE was of *Limley*, the second but eldest surviving son of WILLIAM BAYNE of *Limley*, whose Will was proved 20 June, 1651. For his AUTOGRAPH *see* Plate XI, No. 31.

In *Subs. Roll* $\frac{210}{393}$, 16 Car. 2, *Hearth Tax* [1664] we find under '*Stainebeck Upp*,' CHRISTOPHER BAYNE, 1.

The question whether the above CHRISTOPHER was the same as or the father of the following CHRISTOPHER BAYNE of *High Woodale*, seems to be decided in favour of the latter conclusion not only by the lapse of time, but by the above autograph, as CHRISTOPHER BAINE of *High Woodale* was illiterate.

This Indenture, made 25 November 2 Will. and Mary, 1690, Betweene CHRISTOPHER BAINE of *High Woodale*, wthin Netherdale . . . yeoman . . . and John Horner of *Low-woodale*, within the s^d vale . . . yeoman . . . Witnesseth that Sr. John Yorke then of Gowlthwaite . . . Knight and Dame Julian his wife by their Indenture of Lease . . . bearing date the 26th September, 7 Jas. [1609] . . . Did

demyse grant . . . unto one ROGER BAINE One antient Messuage . . . called *Woodale* . . . And whereas by several meane Assignments & conveyances the third part or most part of the s^d messuage . . . is come into the tenure and possession of him the s^d CHRISTOPHER BAYNE party to these presents, Now these presents further witnesseth that the said Christopher Bayne for . . . the summe of 63*l.* 18*s.* 8*d.* . . . Hath demysed granted assigned sold and sett over . . . unto the said John Horner his exors. admors. and assigns all those 14 cattle gates in one stinted summer pasture called . . . *Wintersides pasture* belonging to *High Woodale* and *Low Woodale* in common with . . . the . . . third part of the said pasture if the same be devyded He . . . John Horner makeing a third part of the Water or flood-stang for securing of the said pasture, Together with etc. . . . To have and to hold . . . unto the said John Horner [for the remainder of the 3000 years] . . . yeilding and paying, etc. [Then covenants] . . . And further that the said CHRISTOPHER BAINE and ALICE his now wife and the heyres of the said Christopher Baine, etc. (Sgd.) CHRISTOPHER BAINE, his mark.

Endorsed as witnesses by Christopher Simondson, Thomas Handley, Alice Constantine, ber marke.

In the older of two *Old Township Books of Middlesmore*, in the custody of Mr. William Foster, of Middlesmoor (March 16, 1894), (p. 101) is a list of "Steanbeck Upp Overseers." "A True and perfect account who has been Ovr for ye Poor in y^t Town since ye year 1691" [to 1738 on p. 101].

"1702. CHR: BAYNE, now Mr. Thompson, Woodale."

"CHRISTOPHER BAYNE of *High Woodale*, was *Bur.* June 17, 1708" (*Middlesmoor Registers*).

"*High Woodale.* William Thompson and ALISE BAYNE, mar. 12 Feb., 1709"[-10]. (*Middlesmoor Registers*.) Alice was the widow of Christopher Bayne.

"Apud Masham, 22 Dec., 1708. Commiss[a] Ad[min-]

stratio]omnium bonorum, etc. CHRISTOPHERI BAYNE, .
 . . . ALICIAE BAINE vid. et relict. dict. def." "Administration of all the goods, etc., of CHRISTOPHER BAYNE was committed to ALICE BAINE, widow and relict of the said deceased.' *Administration Bond*. "Noverint universi Nos ALICIA BAINE de *Hy Woodell* in Netherdale, vid., et Christopher Payler of Steane, in Netherdale, yeoman, teneri . . . in centum libris . . . 22 Dec., 1708."

"A true and perfect Inventory of all the goods, cattle, and chattles of Christopher Bayne of *Hy Woodale* in Netherdale, yeoman, 3 July, 1708."

"Part of a farme under Thomas Yorke, Esq.," . . .
 . . . [amounts to] "19*l.* 6*s.* 6*d.*"

(Signed), George Horner, John Clarke, John Horner, Christopher Paley [of Studfold]. (Pec. Court of Masham Index to Admons. from 1614 to 1709)

This CHRISTOPHER BAYNE left at least one son, RICHARD, *Bap.* Oct. 26, 1701 (*Middlesmoor Registers*); [(?) of Lodge, Oct., 1735 (*Bewerley Court Rolls*)]. Another son ROBERT was *bur.* Ap. 18, 1705 (M.R.).

SECOND AND THIRD LINES OF *Woodale* II.

What became of HUMPHREY and CHRISTOPHER, the second and third sons of the CHRISTOPHER BAYNE, whose Will was dated Ap. 17, 1629, I know not, but in the *Pateley Bridge Registers* is the following entry of the burial

of an HUMPHREY BAYNE, whom I cannot otherwise place :
 "HUMPHREY BAYNE, *bur.* March , 1634." (*Scott's Copy, P. B. R.*), and in the *Kirkby Malzeard Registers* is this entry of the burial of a CHRISTOPHER BAYNE, whom also I cannot otherwise place : "1656. CHRISTOPHER BAYNE, *buried* November the 12th." (*Clarke's Copy K. M. R.*) This last cannot have been the son of MARMA-
 DUKE BAYNE of *Woodale*, as he was still living, Jan. 5, 1656-7.

§ 3. ROWMER.

IN the *Masham Registers* are the following entries:—
Baptisms: "1624[5]. *Rowmer.* MARGERETT, the daughter of WILLYAM BAINE, *bap.* the 23 day ffebruarij."

"1627. *Rowmer.* RICHARD, the sonn of WILLYAM BAINE, *bap.* the 4th day Julij."

"1629. ANN, the daughter of WILLYAM BAINE, *bap.* the 15th day Novembris."

Though there is no direct evidence to show whose son this WILLYAM BAINE was, yet, by exhaustion, he can only be the son of CHRISTOPHER BAINE, the elder, of *Eshead*, and MAGDALEN, his wife.

Marriages. "1644. *Nosterfield.* Austin Harrison and MARGERETT BAINE, married the first day Octobris."

§ 4. BAYNE of Somerside.

Subsidy Roll, $\frac{214}{360}$, 7 Jac. I., 1610, shows under '*Ilkton*,'
 'ROGER BAINE *in bonis*, 3*l.* 5*s.* 0*d.*'



The *Masham Registers* commence in "Aprill, 1599." The oldest book, of which I saw an old copy or Transcript, has this note : " This book was lost for many years. It was found, 1885, among lumber and waste paper at Swinton Park, and restored Dec. 10, 1885. G. M. Gorham, Vicar of Masham." In this Transcript occurs the following entry :—

"1602. *Longeside* [so I have copied it, but have no doubt that it resulted from a misreading of the word '*Somerside*' on the part of the transcriber]. AGNES, the daughter of ROGER BAINE, bapt. ye 15th day Decembris."

From the following *Inquis. post mortem*, it appears that ROGER BAYNE had also a son named HUMPHREY, born 1609, and one younger son, not named, neither of them *baptized* at Masham.

Inquisitio post mortem (c. ii, 211, Record Office). As it is short, I will give the original Latin extended, and a translation.

"Inquisitio indentata capta apud Richmond in com. p^d 30 Sept., 22 Jac. [1624] . . . coram Johanne Richardson Armigero . . . post mortem ROGERI BAYNE nuper de *Somerside* in Mashamshire in comitatu predicto, yeoman, defuncti, per sacramentum Johannis Barker generosi, Thome Waggett, Johannis Colling, Cuthberti Hall, Roberti Blakeston, Henrici Hodgson, et Johannis Smurthwaite, yeomen, Juratorum. Qui dicunt super sacramenta sua predicta quod predictus ROGERUS die quo obiit fuit seizitus in dominico suo ut de feodo de et in uno messuagio et viginti acris terre cum pertinentiis in *Somerside* predicto, quondam parcell possessionum Monasterij de ffountaynes nuper dissoluti, et quod sic de premissis seizitus existens obiit inde sic seizitus. Et ulterius Juratores predicti dicunt super sacramenta sua quod predictum Messuagium et cetera



premissa cum pertinentiis in *Somerside* predicto Tenentur et tempore mortis predicti ROGERI tenebantur de dicto domino Rege in capite per servicium militare, et valent per annum in omnibus exitibus ultra reprimas viginti Solidos: Et quod predictus ROGERUS obiit 10 Maij 12 Jac. [1621] et quod HUMFRIDUS BAYNE est filius et heres ejus propinquior et fuit etatis tempore mortis patris ejus duodecem annorum. Et ulterius Juratores predicti dicunt super sacramenta sua quod predictus ROGERUS BAYNE die quo obiit non habuit neque tenuit aliqua alia sive plura terras seu tenementa de dicto domino Rege nec de aliquo alio in dominio nec in servicio in comitatu predicto ad eorum noticiam. In cujus rei testimonium uni parti hujus Inquisitionis penes Escætozem predictum remanenti tam Escætor quam Juratores predicti sigilla sua apposuerunt Altero vero parti hujus Inquisitionis penes primum Juratorum predictorum remanenti Escætor predictus sigillum suum apposuit die anno et loco primo superscriptis, 1624."

'Inquisition indented taken at Richmond in the co. aforesaid [York], 30 Sep.. 1624, before John Richardson, Esquire after the death of ROGER BAYNE, late of *Somerside*, in Mashamshire yeoman, deceased, by the oath of, etc. Sworn. Who say upon their oaths aforesaid that the aforesaid ROGER on the day on which he died was seized in his demesne as of fee of and in one Messuage and 20 acres of land with the appurtenances in *Somerside* aforesaid, formerly parcell of the possessions of the Monastery of fountaynes lately dissolved And Further the Jurors aforesaid say on their oaths that the aforesaid Messuage and other premisses with the appurtenances in *Somerside* aforesaid, are held and at the time of the death of the aforesaid ROGER were held of the said lord the King by military service, and are worth *per annum* in all issues beyond reprises 20s., And that the aforesaid ROGER died 10 May, 19 James [1621], and that HUMFREY BAYNE is his son and nearer heir [of two sons] and was 12 years old at the time of the death of his father. And Further the Jurors aforesaid say on their oaths that the aforesaid ROGER BAYNE on the day on which he died neither had nor held any other or more lands or tenements of the said lord the King nor of any other in domain or in Service in the county aforesaid to their knowledge,' etc., etc.

The *Burial* of ROGER BAYNE is not recorded in the *Masham Registers*. No doubt he, like his son, was a Popish Recusant.

In the Masham *Registers* is this entry:—

“1633. *Moorheads*. ELIZABETH, the daughter of HUMPHRAY BAINE, *bapt.* ye 4th day Augustij” [*sic*]; and in *Register Bk.*, No. 2, of the *Peculiar Court* of Masham (p. 156), this: “13 Sep., 1633, in *Ecclesia de Massam*.” “Officium domini contra SUZANAM uxorem HUMPHRIDI BAINE for not coming to church to give God thanks for her safe deliverance in childbirth.”

“1634. *Moorheads*. MARGARETT, the daughter of HUMPHRAY BAINE, *bapt.* the 26th day Octobris.” (Masham *Registers*).

“18 Dec., 1634, in *Eccles. de Kirkby Malzeard*. Officium domini contra Dorotheam Johnson, vid., Marmaducum Atkinson, etc. . . [blank] uxorem HUMPHRIDI BAINE . . and others [presented] for popish recusants.” (*Peculiar of Masham Register Bk.*, No. 2, p. 176).

I myself have only gone through this book as far as the bottom of p. 194, on which under Court, 2 Dec., 1635, occurs (p. 194): Offic. dni. con. Robartum Wood et ejus uxorem, . . . [blank] uxorem HUMPHRIDI BAINE . . and others presented as Recusants. . . . ‘[Blank] wife of HUMPHREY BAINE was again presented for the like at Masham Church, 12th Ap., 1536.’ (Fisher, *Masham*, p. 559).

“1637. *Moorheads*. ANN, the daughter of HUMPHRAY BAYN, *bapt.* the 5th day Aprillis.” (Masham *Registers*).

"1637-8. *Moorheads*. HUMPHRAY, the sonn of HUMPHRAY BAINE, bapt. the 4th day ffebruarij." He died aged 20 years 7 months, as appears by the entry of his burial in the Masham *Registers*.

"1658. *Moorheads*. HUMPHRAY BAYN, Jr., buried the first day" [of October].

In a List of *Recusants* in *Subs. Roll* $\frac{215}{426}$, 16-17 Car. I. [1641-2] we find under 'Ilkton' "The WIFE OF HUMPHREY BAYNE, 1s. 4d."

At a Court held in Masham Church, 9 Oct., 1638, the wife of HUMPHREY BAINE was again presented and excommunicated for a Popish Recusant (Fisher, *Masham*, p. 562): and this was repeated at Kirkby Malzeard Church, 8 June, 1641 (*Ib.*, p. 567).

"1640. *Moorheads*. Julij, A child of HUMPHREY BAINES was buried the 2nd day." (*Masham Registers*).

"1651. Julij, A child of HUMPHREY BAYNES, *Moorheads*, was buried the 8th day." (*Ib.*)

Fisher (*Masham*, p. 568, *note*,) gives some extracts from Raine's *Depositions from York Castle*, being a list of Popish Recusants within the parish of Masham, including these two:—

"July 6, 1669. *Ilton cum Pott*. HUMPHREY BAINE and SUSANNAH, his wife." "July 8, 1670. *Ilton cum Pott*. HUMPHREY BANE and SUSANNA, his wife."

In a Vellum-covered paper Folio Book (*Stud. Roy.*, 3, 18 and 3, 20, mixed together), Part 3, under the title, thus extended: "Exitus florisfacturarum per Juratas inter partes ad Assizas tentas Apud Castrum Eboracense 25 die Martij, A° xiiij° Regis Caroli [1638], coram Georgio Vernon Milite et Edwardo Henden Milite, Justiciariis ad Assizas," *i.e.*, 'Issues of fines by Juries between parties at the Assizes, held at York Castle, 25 March, 1638, before Sir George Vernon and Sir Edward Henden, Justices at the Assizes,' appears this item: "Jur[ata] inter Michem. Chippinge gen[erosum] querentem et Briann Stappleton def[enden-tem]" *i.e.*, 'Jury between Michael Chippinge, gentleman, plaintiff, and Brian Stappleton defendant.' Under "C[uriæ] exitus" appears the name HUMFR. BAYNE de *Ilton*, bracketed with seven others, marked, "quilibet eorum xs.," each of them 10s.'

In the "*Plaint Book of the Manor of Fountains*, from 1662 to K. Charl. ye 2nd ye 10th of his reign" [1662-1670], (*Stud. Roy.*, 6, 40) under the Title 'Curia Placitorum, 3 Jan., 1665[-6] occurs this entry:—

"Johannes Messenger querens versus *umphrydum* BAYNE de placito debiti," with the note "pr" subscribed, probably meaning 'proximam,' that is adjourned to the next Court, and on 23 Jan. 1665[-6], the same entry, with this addition, "continuatur usq[ue] ad proximam curiam." "toto, etc., concordantur." That is J. M. plaintiff [in his own court]

on a plea of debt, partly heard at the first and second, and agreed at the third Court.

In *Fountaines Call Book* (*Stud. Roy.*, 6,39), under date March 31, 1668, and title '*Asheads cum Grimesdale*,' occurs the name 'HUMPHREY BAINE.'

In '*The Order for keeping the Court Leete att fountaines* for the Liberty thereof, held at the Hall of Pleas, within the Abby of Fountaines, upon the 4th day of April, 22 Car.'" [certainly, by comparison with other rolls and papers, 1670] (*Stud. Roy.*, 6,39), under '*Pott*,' appears the name 'HUMPHREY BAYNE.'

WILL OF HUMPHREY BAINE.

9TH April, 1671. I, HUMPHREY BAINE of *West Close*, within *Pot Grainge*, in the parish of Massam and co. Yorke, yeoman, to my grandchild, MARGARET KING, daughter of my son-in-law, Richard King, 5*l.* on her attaining the age of 21 years. *Item*, 20*s.* to each and every of ye children which ye said Richard King my son-in-law now hath or may have hereafter by my daughter ELIZABETH his now liveing wife [at] 21 years to my grandchild JOHN PETCH at 21 years 20*s.* *Item*, to Richard King my son-in-law and to ELIZABETH his wife nowe liveing 5*l.* to be paid when ye goods and chattels which now stand undevided betwixt me and my said son Richard [*i.e.*, Richard King] are divided. *Item*, I give unto SUSAN my wife all my household stuffe dureing her life, and after her death to be divided betwixt my two daughters ELIZABETH KING and DOROTHY BAINE. *Item*, all my quicke goods and chattels and moneys unto SUSAN my wife, DOROTHY BAINE my daughter equally. I make SUSAN my wife and DOROTHY my daughter joint executrixes.

In presence of John Ward and Richard King. Not signed, and there is no Probate. (*Peculiar of Masham. Register Book No. 2, p. 99*).



WILL OF SUSANNA, WIDOW OF HUMPHREY BAINÉ.

5TH December, 1682, 34 Car. II., I, SUSANNA BAINÉ of *West Close*, within Pott Grange, par. Masham widdow doe make etc. I give unto my sonne in law John Petch 20s.
 unto my sonne in lawe Marmaduke Milner 10s.
 unto my grandchild Humfray Kinge 5*l*. unto Susana King my grandchild 40s. unto my grandchild Marie King 40s. unto my grandchild Elizabeth King 40s. unto my grandchild Thomas Milner 10s. to be paid when he come to 21 years of age unto my grandchild Humfray Milner 10*l*. at 21 years unto my grandchild John Petch 40s. I give all the remainder of my goods unto my sonne in law Richard King whom I make Executor
 In witness whereof (Sgd.) Susanna Bainé, her marke.

Seal, a Fleur de lys.

In presence of John Warde (Jun.), his marke, John Smyth, his mke., Christopher Topham.

Admon. Bond. Noverint Universi per presentes nos Richardum Kinge de *Pott Grange* in Com. Ebor. yeoman et Johannem Warde de eadem . . . yeoman Teneri et firmiter obligari ven^{li} viro dno Rogero Beckwith, Barr. firmar. nup. Prebend. de Masham In centum libris, etc. Dat. 21 Maij, 1685.

(Sgd.) Richard King,
 John Ward, his marke.

In presence. of J. Place, Wm. Wright.

Condition, etc.

Inventory . . . of Susanna Bayne of West Close, deceased, give the 21 May, 1685.

Imprimis her purse and apparill 0 .. 40s.

The les [lease] to the Executor 50 .. 0s.

With the death of HUMPHREY BAINÉ, the only son of HUMPHREY and SUSANNA, this family became extinct.

Of ELIZABETH, the eldest daughter, and her husband, Richard King, of *Pott Grange*, we have the following notices, taken by Fisher from Raine's *Depositions from*

York Castle, and printed in *Masham*, etc., p. 568, note. *List of Popish Recusants*, prepared by the village constables, and forwarded to York (*Raine*).

"March 25, 1664. *Ilton cum Pottoe* [*sic*], Robert, Thomas, and John Ward, *Richard King* and *Elizabeth King* his wife, Richard Handley."

"July 6, 1669. *Ilton cum Pott* [among others], *Richard King* and *Dorothy* his wife," where Dorothy is an evident error for Elizabeth."

"July 8, 1670. *Ilton cum Pott* [among others], *Richard Kinge* and ELIZ. his wife.¹

I do not know whether MARGARETT or ANN was the wife of John Petch, but one of them was *bur.* in childhood, July 2, 1640, or July 8, 1651. One of these two burials refers to a child not registered as baptized at Masham.

There is no entry of the baptism of DOROTHY BAINE, the youngest daughter, in the *Masham Registers*. She must have married Marmaduke Milner after her father's death.

¹ In '*ffountance Call booke* . . . 1666, No. 3' (*Stud. Roy.* 6,41), in the *Calendar of the freehold and substantial inhabitants within the Liberty*, etc., occurs the entry: '*Asheads*, Mathew King, Richard King.' This was the above, but the following note is also interesting.

"In the Calfhouse at *West Sommerside*, there is a carved stone over-mantle, with the legend, 'Elizabeth and Richard King, 1749.' There is a stone over the door top with J. BAINES, 1818, on it." (Mr. Edward Bolland, in a *Letter* to John Baynes, Esq., J.P., Mayor of Ripon, dated Jan. 23, 1895). This Elizabeth and Richard King cannot well have been nearer than grandchildren to the above. J. BAINES is of another family.



§ 5. BAYNE OF MIDDLES Moor and RIGGS.

Conspectus of *Riggs* 3000 years' Leases.

A.	B.	C.	D.
<p>HENKE BAINE, 10 Nov., 1572, took Lease expiring 10 Nov., 1613.</p> <p>In the tenure of WALTER BAYNE before July 31, 1606, when, it being in the tenure of Martin Hardcastle, George Anderson, and Marmaduke Haiber, a 3000 years' Lease was granted to</p> <p>MYLES BAINE, late of <i>loidge</i>.</p>	<p>HUMPHREY BAYNE of <i>Over Ashead</i>.</p> <p>JOHN BAYNE of <i>Riggs</i>. Will dated 27 Ap., 1595. [N.B.] Meahead Close.</p> <p>HUMPHREY BAYNE held on a 3000 years' Lease of Armathwaite, Ruscoe, Lawefield, Tadrawe, Little Bent, High Bent, Calfe Close, <i>Mayhead</i>, Lawe pasture, the Out Pasture, Little Close, and Ealand, also Low Close.</p> <p>CHRISTOPHER BAYNE, 4 July, 1642, joined with Humphrey, his father, John Inman of Calfield House, and Christopher Beckwith of Woodale, in assignment of one moiety of Armathwaite to Richard Hamond of Arncliffe, for the remainder of the 3000 years.</p>	<p>July 31, 1606, 3000 years' Lease granted to John Servant of <i>Sykes</i> [Low <i>Sykes</i>], then being in the occupation of RALPH BAYNE and John and Roger Craven.</p>	<p>1609. 3000 years' Lease granted to Christopher Spence.¹</p> <p>¹ On 22 Jan., 1613, Katherine, dau. of MICHAEL BAYNE, blacksmith, of <i>Grewelthorpe</i>, was unmarried. Before 28 Sep., 1619, she had married a Christopher Spence. The name of the wife of this Christopher Spence of <i>Riggs</i>, was Grace, 23, Feb., 1625.</p>

A copy of the recently 'Privately Printed' '*Genealogy of the Family of BENSON of Banger House and Northwoods,*'
 By Arthur Christopher Benson, M.A., Eton,
 1895, 4to, came too late to hand (May 18th, 1895), for the following extract therefrom to be inserted in its proper place, in order of date on p. 277 above.

"Court of Chancery, 1581. The plea of William Gresham to the Lord Chancellor against Marmaduke Danby HUMPHREY BAYNE Edward Thackeray William Inman Robert Benson: who by cause of having divers deeds charters and evidences have contrived and conveyed divers sundry and secret estates unto persons unknown and therefore they detain and keep possession of said lands and tenements in *Netherdale* and *Marshland* [*sic*, but an evident misreading of *Massham*] and also the Charters, Praying that they may be made to personally appear in the Court of Chancery, William Gresham, Kt."

Sir Richard Gresham left *Pot Grange with Ashead* to Isabel, his widow, for her life, then to Sir Thomas Gresham. Isabel died in 1565; Sir Thomas d. 21 Nov., 1579.

Marmaduke Danby lived at *Pott Grange*, HUMPHREY BAYNE at *Over Ashead*, both in Masham parish; Edward Thackeray at *Sykehouse*, alias *Sykesworth Grange*, Nidderdale, William Inman and Robert Benson at *Cawfeilde House*, alias *Calfal*, now *Covill houses*. The Sir William Gresham of *Intwood*, Norfolk, who succeeded as heir male to the estates of Sir Richard Gresham, Sir John, and Sir Thomas, after the death of Sir Thomas, was the son of William and the grandson of Sir John Gresham of *Titsey Park*, Surrey, brother of Sir Richard Gresham.

RIGGS. B.

WRITING of Bouthwaite Grange [which had belonged to Fountains Abbey, and was sold to Sir Richard Gresham, and by his Will (Chanc. *Close Roll*, 3 Ed., VI., Pt. 5, No. 24), in which it is spelt 'Brughtwayte Graunge,' was left to his second son, Sir Thomas Gresham, after whose death, without issue, 21 Nov., 1579, it passed to William Gresham of Intwood, or Intewood, co. Norfolk], Mr. Harry Speight (*Nidderdale*, 1894, 8vo, p. 476), says: 'By indenture enrolled on the *Close Rolls*, 2nd Dec., 35 Eliz. (1592), William Gresham . . . conveyed to John Topham of Thrip-land, William Inman, JOHN BAYNE, Roger Thackray, Thomas Buckle, and Christopher Rayner the elder, all of the parish of Kirkby Malzeard, the Grange called *Westholme House*, with lands, etc., thereunto belonging, and parcels of the granges called *Burthwaite* and *Lofthouse*, with their appurtenances, for the sum of 710*l.* sterling, paid prior to the ensealing of the said Indenture.'

Mr. Speight calls William Gresham the son of Sir Richard Gresham. Only two sons of Sir Richard, Sir John and Sir Thomas, survived him. The John Bayne he rightly identifies as JOHN BAYNE of *Riggs*, of whose Will, dated 27 Ap., 1595, William Inman was appointed supervisor, and was a witness. Charles Inman of Bouthwaite Grange, grandson of this William Inman, married

ANNE, second daughter of WILLIAM BAYNE of *Limley*. (See under LIMLEY.) William Inman also appears as having an interest in the freehold of the above farm at *Middlesmore* and *Riggs*, when the 3000 years' Lease was granted to MILES BAINE, as given above, and in *Deed* marked "No. 2," below.

WILL OF JOHN BAYNE OF *Riggs*, EXTENDED.

"27 daye of Aprill, 37 Eliz. [1595]"

"I, JOHN BAYNE of *Riggs*, co. Yorke, yoman,

Item, I will that JANE, *my wife*, shall have the thirde parte of my tenements at *Riggs*, . . . and my parte of the cattall gaytes in the *Meahead Close*, in consideration of the delyvery of all such wrytings as she hathe in hir custodie touwching my lands and tenements and all *my part* of my dwelling howse during hir wedowheade . . . *Item* . . . to my son HUMFRYDE my foale. *Item*, I will that my son Humfryde Bayne shall give unto MARGARET *my daughter* the somme of 10*l.* within one quarter of a year next after her maryage. *Item*, I will that my sonne Humfryde shall give to the beuldinge¹ of Loftus Bridge iii*js.* . . . unto Wedow Horner, vid. Galway,² vid. Muncaster, and vid. Rayner, to every of them 6*d.* for 7 yeares next after my decease yearly . . . *Item*, I Will that my sonne Humfryde shall give Alison Benson³ 6*d.* yearly for 7 yeares. *Item*, I will that Christofer Franckland shal have allowed unto him xx*s.* of his rent towards the beuldinge of his house . . . *Item*, I give and bequeath unto Margaret my dowghter foure gymmer lambs to be delyvered at Midsomer next. *Item*, . . . to James Craven, clerke, i*js.* *Item*, unto James Chambers wyfe half a skne of wooll . . . *Item*, . . . to William Chambers a lambe. *Item*, . . . to John Horsman my gry coate. *Item*, . . . to James Chamberes⁴ all the rest of my apparell . . . *Item*, I

¹ Walbran erroneously read this word as 'wyding.'

² See below. Alicia Galloway de Middlesmore, Recusant, 23 Feb., 1625.

³ William, second son of Christopher Benson of Barneger Houses, B. 1652, married Alison Smith, 1591, and D. 1644. (P.B.R.; Benson *Pedigree*, in *Geneal.* A. C. Benson, 1895, 410).

⁴ William Inman of Bouthwaite, by his Will, 1614, left to his sons, Robert and John, his land at Bouthwaite "lately leased to one James Chambers" (Speight, 477).

Will that JANE, *my wief*, shall have the use of all the household stuff during hir wedowheade except my dowghter be maryed before my wyfe. If my wyfe be maryed before my dowghter I will that thone half of the household stuff be kept to theuse of my daughter at the discretion of my wief and JANE BAYNE of *Studfold*. *Item*, for such implements as my father left to me for the occupation of the tenemente, I will that they remayne to my sone Humfryde . . . *Item*, the residue of my goods unbequeathed I give to JANE *my wyfe* and HUMFRYDE *my sonne* equallye . . . *Item*, to my sone Humfryde Bayne and to the heirs of his bodie lawfully begotten all my lands tenements and hereditaments . . . at *Lofthouse* and *Bourthwayte* or elsewhere within the Realme of England for ever. And yf yt fortune my said sonne to dye before he accomplish the full age of 21 yeares or before he be maryed I will that my said lands tenements and hereditaments . . . shall remayne and descende to my said daughter MARGARET BAYNE and to the heirs of hir bodie lawfully begotten. And in default of such issewe to the next heirs of me the said JOHN BAYNE for ever. *Item*, I request that William Inman, JOHN BAYNE of *Studfold* and ROGER BAYNE *my brother* be supervisors hearin and aydinge and assistinge my children. *Item*, I make . . . HUMFRYDE BAYNE *my father* and HUMFRYDE *my sonne* the executours of this my last Will.

Theis wytnesses William Inman (Juratus), Robert Wayde (Juratus), James Craven (Juratus).

(Peculiar Court of Massam, *Register Bk.* No. 1, p. 176,) [Probatum] xv. July, 1595, in Ecclesia parochiali de Massam (p. 176), extended : (P. 178) Eisdem die horis et loco probatum fuit hunc [*sic*] testamentum coram nobis in forma juris juratum, commissaque fuit administratio omnium et singulorum bonorum Jurium et creditorum dicti defuncti executoribus in dicto testamento nominatis primitus in forma juris juratis, reservata potestate consimilem Administracionem comittendam Humfrido Bayne co-

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